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ILLINOIS REGISTER

Rules of Governmental Agencies

TABLE OF CONTENTS

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Pages 5839-6852

Secretary of State
Administrative Code Div.
201 West Monroe
Springfield, IL 62756

(217) 782-9786

PROPOSED RULES

	PAGE
LABOR, DEPARTMENT OF Health & Safety; 56 Ill. Adm. Code 350	5839
NUCLEAR SAFETY, DEPARTMENT OF Licensing Requirements for Source Material Milling Facilities; 32 Ill. Adm. Code 332	5874
REHABILITATION SERVICES, DEPARTMENT OF Application; 89 Ill. Adm. Code 557	5914

ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF Background Checks; 89 Ill. Adm. Code 385	5917
CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS Operating Procedures for the Administration of Federal Funds; 20 Ill. Adm. Code 1520	5926
EMPLOYMENT SECURITY, DEPARTMENT OF Disqualifying Income & Reduced Benefits; 56 Ill. Adm. Code 2920	5936
General Provisions; 56 Ill. Adm. Code 2960	5940
ENVIRONMENTAL PROTECTION AGENCY Procedures for Operation of the Non-Hazardous Solid Waste Fee System; 35 Ill. Adm. Code 858	5945
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS Low Income Housing Tax Credit Allocation; 47 Ill. Adm. Code 350	5947
INSURANCE, DEPARTMENT OF Notice of Eligibility; 50 Ill. Adm. Code 6701	5951
MINES AND MINERALS, DEPARTMENT OF Surface Installation Health & Safety; 62 Ill. Adm. Code 220	5955
POLLUTION CONTROL BOARD Effluent Standards; 35 Ill. Adm. Code 304	5976
Introduction; 35 Ill. Adm. Code 301	5984
Monitoring & Reporting; 35 Ill. Adm. Code 305	5989
Permits; 35 Ill. Adm. Code 309	5993
Water Quality Standards; 35 Ill. Adm. Code 302	5998
PUBLIC AID, DEPARTMENT OF Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113	6007
Aid to the Families With Dependent Children; 89 Ill. Adm. Code 112	6017
PUBLIC HEALTH, DEPARTMENT OF Intermediate Care for the Developmentally Disabled Facilities Code; 77 Ill. Adm. Code 350	6040
Long Term Care for Under Age 22 Facilities Code; 77 Ill. Adm. Code 390	6301
Sheltered Care Facilities Code; 77 Ill. Adm. Code 330	6562
REHABILITATION SERVICES, DEPARTMENT OF Program Description; 89 Ill. Adm. Code 675	6768
REVENUE, DEPARTMENT OF Alcoholic Liquor - - Hearings; 86 Ill. Adm. Code 425, Repeal of	6780
Board of Appeals; 86 Ill. Adm. Code 210	6782
Cigarette Tax Act - - Hearings; 86 Ill. Adm. Code 445, Repeal of	6785
Cigarette Use Tax Act - - Hearings; 86 Ill. Adm. Code 455, Repeal of	6787
Practice & Procedure for Hearings Before the Ill. Department of Revenue; 86 Ill. Adm. Code 200	6789
Property Tax/Revenue Act of 1939; 86 Ill. Adm. Code 110	6803

(continued on next page)

ADOPTED RULES (CONT'D)

REVENUE, DEPARTMENT OF (CONT'D)

Retailers' Occupation Tax Hearings; 86 Ill. Adm. Code 200, Repeal of 6808

EMERGENCY RULES

PROFESSIONAL REGULATION, DEPARTMENT OF

Barber, Cosmetology & Esthetics Act of 1985, The; 68 Ill. Adm. Code 1175 6810

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

LABOR, DEPARTMENT OF

Health & Safety; 56 Ill. Adm. Code 350, Withdrawal 6819

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received 6820

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

89-101 - Library Week (Revised)	6823
89-148 - Design-Drafting Week	6824
89-149 - Bielarussian Independence Day	6825
89-150 - Child Abuse Prevention Month	6826
89-151 - Earth Week	6827
89-152 - Grade Crossing Safety Week	6828
89-153 - Music Week	6829
89-154 - Small Business Week	6830
89-155 - Adopt-A-Cat Month	6831
89-156 - Child Support Awareness Day	6832
89-157 - Croatian Independence Day	6833
89-158 - Displaced Homemakers' Week	6834
89-159 - Food & Beverage Packaging Week	6835
89-160 - Motorcycle Awareness Month	6836
89-161 - Older Americans Month	6837
89-162 - Public Service Recognition Week	6838
89-163 - Space Development Week	6839
89-164 - CMM7 - Converting Machinery/Materials Day	6840
89-165 - Community Mental Health Services Week	6841
89-166 - Entrepreneur Achievement Week	6842
89-167 - Goodwill Industries Week	6843
89-168 - Nursing: The Heartbeat of Health Care Day In Chicago Day	6844
89-169 - Pan American Week	6845
89-170 - Credit Education Week	6846
89-171 - Dr. Jack L. Greider Day	6847
89-172 - Commemorates Warsaw Ghetto Uprising	6848
89-173 - Day of Prayer	6849
89-174 - Municipal Clerks Week	6850
89-175 - Subcontractors Month	6851

CUMULATIVE INDEX

1989 Index - Issue #1 thru Issue #17 CI-1

SECTIONS AFFECTED INDEX

1989 Index - Issue #1 thru #16 SAI-1
1989 Index - Issue #17 SAI-28

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
Feb. 28, 1989	Mar. 7, 1989	11	Mar. 17, 1989	Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989	Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
Apr. 4, 1989	Apr. 11, 1989	16	Apr. 21, 1989	Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
Apr. 11, 1989	Apr. 18, 1989	17	Apr. 28, 1989	Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
June 6, 1989	June 13, 1989	25	June 23, 1989	Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
June 13, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the *Register* deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

INTRODUCTION

The present study is the first of its kind in the field of... The results of the study are as follows: 1. The first result is that... 2. The second result is that... 3. The third result is that... 4. The fourth result is that... 5. The fifth result is that... 6. The sixth result is that... 7. The seventh result is that... 8. The eighth result is that... 9. The ninth result is that... 10. The tenth result is that... 11. The eleventh result is that... 12. The twelfth result is that... 13. The thirteenth result is that... 14. The fourteenth result is that... 15. The fifteenth result is that... 16. The sixteenth result is that... 17. The seventeenth result is that... 18. The eighteenth result is that... 19. The nineteenth result is that... 20. The twentieth result is that... 21. The twenty-first result is that... 22. The twenty-second result is that... 23. The twenty-third result is that... 24. The twenty-fourth result is that... 25. The twenty-fifth result is that... 26. The twenty-sixth result is that... 27. The twenty-seventh result is that... 28. The twenty-eighth result is that... 29. The twenty-ninth result is that... 30. The thirtieth result is that... 31. The thirty-first result is that... 32. The thirty-second result is that... 33. The thirty-third result is that... 34. The thirty-fourth result is that... 35. The thirty-fifth result is that... 36. The thirty-sixth result is that... 37. The thirty-seventh result is that... 38. The thirty-eighth result is that... 39. The thirty-ninth result is that... 40. The fortieth result is that... 41. The forty-first result is that... 42. The forty-second result is that... 43. The forty-third result is that... 44. The forty-fourth result is that... 45. The forty-fifth result is that... 46. The forty-sixth result is that... 47. The forty-seventh result is that... 48. The forty-eighth result is that... 49. The forty-ninth result is that... 50. The fiftieth result is that... 51. The fifty-first result is that... 52. The fifty-second result is that... 53. The fifty-third result is that... 54. The fifty-fourth result is that... 55. The fifty-fifth result is that... 56. The fifty-sixth result is that... 57. The fifty-seventh result is that... 58. The fifty-eighth result is that... 59. The fifty-ninth result is that... 60. The sixtieth result is that... 61. The sixty-first result is that... 62. The sixty-second result is that... 63. The sixty-third result is that... 64. The sixty-fourth result is that... 65. The sixty-fifth result is that... 66. The sixty-sixth result is that... 67. The sixty-seventh result is that... 68. The sixty-eighth result is that... 69. The sixty-ninth result is that... 70. The seventieth result is that... 71. The seventy-first result is that... 72. The seventy-second result is that... 73. The seventy-third result is that... 74. The seventy-fourth result is that... 75. The seventy-fifth result is that... 76. The seventy-sixth result is that... 77. The seventy-seventh result is that... 78. The seventy-eighth result is that... 79. The seventy-ninth result is that... 80. The eightieth result is that... 81. The eighty-first result is that... 82. The eighty-second result is that... 83. The eighty-third result is that... 84. The eighty-fourth result is that... 85. The eighty-fifth result is that... 86. The eighty-sixth result is that... 87. The eighty-seventh result is that... 88. The eighty-eighth result is that... 89. The eighty-ninth result is that... 90. The ninetieth result is that... 91. The ninety-first result is that... 92. The ninety-second result is that... 93. The ninety-third result is that... 94. The ninety-fourth result is that... 95. The ninety-fifth result is that... 96. The ninety-sixth result is that... 97. The ninety-seventh result is that... 98. The ninety-eighth result is that... 99. The ninety-ninth result is that... 100. The hundredth result is that...

Year	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100																														
Population	100	105	110	115	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200	205	210	215	220	225	230	235	240	245	250	255	260	265	270	275	280	285	290	295	300	305	310	315	320	325	330	335	340	345	350	355	360	365	370	375	380	385	390	395	400	405	410	415	420	425	430	435	440	445	450	455	460	465	470	475	480	485	490	495	500	505	510	515	520	525	530	535	540	545	550	555	560	565	570	575	580	585	590	595	600	605	610	615	620	625	630	635	640	645	650	655	660	665	670	675	680	685	690	695	700	705	710	715	720	725	730	735	740	745	750	755	760	765	770	775	780	785	790	795	800	805	810	815	820	825	830	835	840	845	850	855	860	865	870	875	880	885	890	895	900	905	910	915	920	925	930	935	940	945	950	955	960	965	970	975	980	985	990	995	1000

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Health and Safety2) Code citation: 56 Ill. Adm. Code 3503) Section Numbers:

<u>Section Numbers:</u>	<u>Proposed Action:</u>
350.20	Amend
350.280	Amend
350.300	New Section
350.310	New Section
350.320	New Section
350.330	New Section
350.340	New Section
350.350	New Section
350.360	New Section
350.370	New Section
350.380	New Section
350.400	New Section
350.410	New Section
350.420	New Section
350.430	New Section
350.440	New Section
350.450	New Section

4) Statutory Authority: Implementing and authorized by "AN ACT in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act herein named" (Ill. Rev. Stat. 1987, ch. 48, par. 59.1 et seq.) and the Health and Safety Act (Ill. Rev. Stat. 1987, ch. 48, par. 137.1 et seq.).

5) A Complete Description of the Subjects and Issues Involved:
Subparts D and E clarify accepted safety and health practices covered under the General Duty clause of the Health and Safety Act (Ill. Rev. Stat. 1987, ch. 48, par. 137.3).

Subpart D makes clear the safety and health practices for working in and around confined spaces. More specifically, Subpart D has been adopted from similar standards from the state of Wisconsin, Occupational Safety and Health Administration guidance material and operating experience of the Department.

Subpart E makes clear the safety and health practices of fire fighting. This Subpart has been adopted in modified form from the National Fire Protection Association Standard 1500, 1987 edition. This version of the proposed fire brigade standards has been developed with the strong assistance of the Fire Services Association, an organization of nine fire fighting groups. Also the current fire brigade standards which partially conflict with the proposal are being deleted.

NOTICE OF PROPOSED AMENDMENTS

6) Will this proposed rule replace an emergency rule currently in effect? No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? Yes.
Sections 350.20, 350.300, 350.310, 350.320, 350.330, 350.340, 350.350, 350.360, 350.370, 350.380, 350.400, 350.410, 350.420, 350.430 and 350.440. These are proposed confined space and fire brigade standards which are withdrawn on page 6819 of this issue of the Illinois Register. They were published in the Illinois Register September 30, 1988, page 15272.

10) Statement of Statewide Policy Objectives: Safety and health concerns relative to working in confined spaces and fire fighting are basic to sound work practices and national fire protection practices. In effect, the Department is setting forth in regulation what already exists as nationally accepted practices.

Compliance schedules have and will continue to take into account the public sector employers' financial condition and the seriousness of the hazard.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

A hearing is scheduled to take written and oral testimony from the public. It is set for May 25, 1989 at 11:00 A.M.-2:00 P.M., Bloomington Airport, 2nd Floor Conference Room, Route 9 East, Bloomington, Illinois.

Written comments will be accepted until May 31, 1989 by:

Jerald R. Pusch
Illinois Department of Labor
1 West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
Telephone: (217) 782-9386

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 14, 1989

B) Types of small businesses or municipalities affected: Small businesses are not affected at all. All municipalities will be affected but the impact will be positive.

NOTICE OF PROPOSED AMENDMENTS

Safety and health problems are not created by this action; when the change is operational, they are merely cited and a reasonable date set for the correction of unsafe and unhealthy conditions.

Costs associated with correction are already an outstanding obligation of public employers.

Savings to public employers due to fewer workplace injuries and occupational diseases, lower workers' compensation costs, and better employee morale and productivity are unmeasurable.

Over 100 million dollars are spent annually on workers compensation by public sector employers in Illinois. The safety and health regulations are intended to reduce the expenditure of public funds by reducing the workplace related injuries and sicknesses. The Department is stressing educational and advisory activities to the extent requested by public sector employers.

C) Reporting, bookkeeping or other procedures required for compliance: Information regarding workplace related injuries and sicknesses must be kept and posted annually. Also, information regarding fatal accidents must be reported immediately to the Department. These requirements are not changed by this proposed amendment.

D) Types of professional skills necessary for compliance: No special skills are absolutely necessary since the Department of Labor will train public sector employers to do the necessary tasks.

The full text of the Proposed Rule(s) begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350
HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	Purpose and Scope
350.10	Definitions
350.20	Posting of Notice
350.30	Availability of Rules and Standards
350.40	Inspection Authority
350.50	Advance Notice of Inspection
350.60	Conduct of Inspections
350.70	Closing Conferences
350.80	Representatives of Employers and Employees
350.90	Objections During Inspection
350.100	Trade Secrets or Confidential Information
350.110	Consultation with Employees
350.120	Complaints by Employees
350.130	Imminent Danger
350.140	Citations
350.150	Posting of Citations
350.160	Appeal of Citation
350.170	Appeal of Abatement Period
350.180	Petition for Variance from Standards
350.190	Hearings
350.195	Advisory Inspections
350.200	

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

350.210	Emergency Notification
350.220	Recordable Injuries and Illnesses
350.230	Log of Injuries and Illnesses
350.240	Supplementary Record of Injuries and Illnesses
250.250	Annual Summary
350.260	Retention of Records
350.270	Access to Records

SUBPART C: STANDARDS

350.280	Adoption of Federal Standards
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SUBPART D: CONFINED SPACES

350.300	Purpose
350.310	Scope
350.320	Application

350.330 General
350.340 Sampling
350.350 Calibration
350.360 Air Quality
350.370 Entry Procedure
350.380 Rescue
350.390 General Safety Requirements

SUBPART E: FIRE FIGHTING SAFETY STANDARDS

Administration
Organization
Training and Education
Vehicles and Equipment
Protective Clothing and Protective Equipment
Facility Safety

AUTHORITY: Implementing and authorized by "AN ACT in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act therein named" (Ill. Rev. Stat. 1987, ch. 48, par. 59.1 et seq.) and the Health and Safety Act (Ill. Rev. Stat. 1987, ch. 48, par. 137.1 et seq.).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 13 Ill. Reg. _____, effective _____.

Section 350.20 Definitions

As used in this Part, the following terms shall have the meanings indicated here:

"Aerial device" means any device used for firefighting purposes that is extendable, articulating, or both, designed to position personnel and handle materials.

"ANSI" means American National Standards Institute, 1430 Broadway, New York, NY 10018.

"Authority having jurisdiction" means the authority having jurisdiction is the Department of Labor.

"Basic life support" means emergency medical treatment at a level authorized to be performed by emergency medical technicians as defined by the Illinois Department of Public Health, Division of Public Health and Safety.

"Calendar days" means each and every day, including Saturdays, Sundays, and holidays.

"Confined space" means an environment which by design or construction has limited openings for entry and egress, has unfavorable natural ventilation, could reasonably be believed by the employer to have dangerous air contaminants, and is not intended for continuous human occupancy. Confined spaces include, but are not limited to, storage tanks, compartments of ships, process vessels, pits, silos, vats, degreasers, reaction vessels, boilers, ventilation and exhaust ducts, manholes, sewers, tunnels, underground utility vaults, and pipelines.

"Contaminant" means any material which by reason of its action upon, within or to a person is likely to cause physical harm.

"Debilitating illness or injury" means a condition that temporarily or permanently prevents a member of the fire department from engaging in normal duties and activities as a result of illness or injury.

"Department" means the Department of Labor.

"Director" means the Director of the Department of Labor.

"Emergency operations" means activities of the fire department relating to emergency incidents, including response to the scene of the incident and all functions performed at the scene.

"Employee" or "public employee" means any employee of a public employer.

"Employee representative" means any person authorized by the employees to represent their interests in collective bargaining and other labor relations matters.

"Fire apparatus" means a fire department emergency vehicle used for fire suppression, rescue, or other specialized functions.

"Fire brigade" means a group of people organized to engage in fire suppression and related activities.

"Fire chief" means the highest ranking officer in charge of a fire department or fire brigade.

"Fire department" means an organization providing rescue, fire suppression, and related activities.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

"Fire department facility" means any building or area owned, operated, occupied, or used by a fire department on a routine basis. This does not include locations where a fire department may be summoned to perform emergency operations or other duties, unless such premises are normally under the control of the fire department.

"Fire department vehicles" means any vehicle operated by a fire department, including fire apparatus.

"Fire suppression" means the activities involved in controlling and extinguishing fires. For the purposes of this standard, fire suppression shall include all activities performed at the scene of a fire incident or training exercise that expose fire department members to the dangers of heat, flame, smoke, or other products of combustion, explosion, or structural collapse.

"Fully enclosed area" means a cab or passenger compartment of fire apparatus providing total enclosure with positive latching doors provided for entry and exit.

"Hazardous area" means the immediate area where members of the fire department might be exposed to a special hazard.

"Hazardous atmosphere" means any atmosphere presenting a potential for death, disablement, injury, or acute illness from one or more of the following:

A flammable gas, vapor, or mist in excess of 20% of its lower explosive limit;

an oxygen deficient atmosphere containing less than 19.5% oxygen or an oxygen enriched atmosphere containing more than 25% oxygen by volume;

an atmosphere concentration of any substance listed in Subpart Z of Part 1910 Standards adopted by the Illinois Department of Labor above the numerical value on the permissible exposure limit, ceiling limit or short-term exposure limit; or

an "imminent danger" as defined in this Section.

"Health data base" means a compilation of records and data relating to the health experience of a group of individuals, maintained in a manner such that it is retrievable for study and analysis over a period of time.

"Imminent danger" means the existence of conditions or practices in a workplace which could reasonably be expected to cause death or serious physical harm to employees in the workplace immediately or before the danger of such death or harm can be eliminated through the citation procedures provided in Section 350.150. Factors such as the location of the hazard, the proximity of the employees to the hazard, and the availability of alternatives to continued exposure to the hazard will be considered in determining whether or not a condition constitutes imminent danger.

"Incident command system" means an organized system of roles, responsibilities, and standard operating procedures used to manage and direct emergency operations.

"Inspection Act" means "AN ACT in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act therein named" (Ill. Rev. Stat. 1985, ch. 48, par. 59.1 et seq.).

"Lower explosive limit" or "L.E.L." means the lower limit of flammability of a gas or vapor at ordinary ambient temperatures expressed as a percentage of the gas or vapor in air by volume.

"May" is a term used to state a permissive use or an alternative method to a specified requirement.

"Member or fire department member" means a person involved in performing the duties and responsibilities of a fire department under the auspices of the organization. For the purposes of this standard, a fire department member may be a full-time or part-time employee, a paid or unpaid volunteer, may occupy a position or rank within the fire department, and may or may not engage in emergency operations.

"Member Organization" means an organization formed to represent the collective and individual rights and interests of the members of the fire department, such as a labor union or fire fighters association. For the purpose of this standard, this definition includes any organization authorized to represent the interests of its members in dealing with the fire department management.

"MSHA" means U.S. Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 516, Arlington, Va. 22203.

NOTICE OF PROPOSED AMENDMENTS

"NEPA" means National Fire Protection Association, Batterymarch Park, Quincy, MA. 02269

"NIOSH" means National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md. 20857.

"Occupational illness" means an illness or disease contracted through or aggravated by the performance of the duties, responsibilities and functions of a fire department member.

"Occupational injury" means an injury sustained during the performance of the duties, responsibilities, and functions of a fire department member.

"Officer" or "inspection officer" means any individual or agent of the Department of Labor who has been authorized by the department to conduct inspections and issue citations under this Part.

"Officer in command" means a member of the fire department assigned to direct emergency operations or manage the activities of a group of members.

"Oxygen deficient atmosphere" means an atmosphere in which the concentration of oxygen is less than 19.5% by volume.

"Oxygen enriched atmosphere" means any atmosphere in which the concentration of oxygen is more than 25% by volume.

"Post" or "post in a conspicuous location" means to attach the notice to a bulletin board customarily used for notices to employees or, if such a bulletin board is not available in the workplace, to visibly display the notice in another location where the affected employees can be expected to have an opportunity to see and read the notice.

"Public employer" or "employer" means the State of Illinois and all political subdivisions, except State agencies that exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health pursuant to Section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021).

"Related activities" include any and all functions that fire department members may be called upon to perform in the performance of their duties.

"Rescue incident" means an emergency incident that primarily involves the rescue of persons subject to physical danger and may include the provision of emergency medical services.

NOTICE OF PROPOSED AMENDMENTS

"Safety Act" means the Health and Safety Act (Ill. Rev. Stat. 19857 ch. 48, par. 137.1 et seq.).

"Service of notice" or "serve" means personal delivery or delivery postage prepaid via regular United States Postal Service mail. When service is effected by mail, the date of service shall be the date of the United States Postal Service postmark.

"Service testing" means the regular, periodic inspection and testing of apparatus and equipment, according to an established schedule and procedure, to ensure that it is in safe and functional operation condition.

"Shall" indicates a mandatory requirement.

"Should" indicates a recommendation or that which is advised, but not required.

"Special hazard" means a particular substance, device, event, circumstance, or condition that presents an unusual and severe danger to members of the fire department or an abnormally high level of fire danger.

"Standard operating procedure" means an organizational directive that establishes a standard course of action.

"Structural fire fighting" means the activities of rescuing, fire suppression, and property conservation involving buildings, enclosed structures, vehicles, vessels, or like properties that are involved in a fire or emergency situation.

"Toxic substance" means any substance listed under the Toxic Substances Disclosure to Employees Act (Ill. Rev. Stat. 1987, ch. 48, par. 1403(m)).

"Working days" means Mondays through Fridays. It shall not include Saturdays, Sundays, or State holidays.

(SOURCE: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART C STANDARDS

Section 350.280 Adoption of Federal Standards

- a) Pursuant to Section 4 of the Health and Safety Act, the Department hereby adopts by reference the general health and safety standards and special maritime and construction industry standards adopted by

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

the federal Occupational Safety and Health Administration as effective on July 1, 1988. These standards are located at 29 CFR 1910, except for 29 CFR 1910.156, 1915, and 1926 and do not include any later amendments or editions.

- b) The Department shall consider any amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration subsequent to July 1, 1988. Such amendments will be adopted by reference, or substitute provisions which provide equivalent protection will be adopted, quarterly or as often as necessary to insure that the standards remain current. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1005.01).

SUBPART D: CONFINED SPACES

Section 350.300 Purpose.

This chapter establishes minimum occupational safety and health standards for public employees who may enter into or work in confined spaces.

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)

Section 350.310 Scope.

This chapter applies to all places of employment and public buildings of a public employer.

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)

Section 350.320 Application.

This Subpart shall apply to all Confined spaces whether existing prior to the effective date of this Subpart or subsequently established or built. Alternate confined space requirements shall be granted through variance procedures, by the Department, provided the employees are protected equally to these requirements.

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)

Section 350.330 General.

No employer may require an employee to enter or work in a confined space, unless it is in accordance with the provisions of this Subpart or unless the employer has obtained a variance shall be obtained pursuant to Section 350.190.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)
Section 350.340 Sampling.

- a) No person may enter a confined space until the atmosphere of the confined space is sampled and the air quality is determined for all levels of the area within the space.

b) The atmosphere of a confined space shall be sampled for:

- 1) Oxygen;
- 2) Hydrogen sulfide;
- 3) Combustible gas/vapor; and

4) An atmosphere concentration of any substance listed in Subpart Z of Part 29 CFR 1910 Standards adopted by Illinois Department of Labor over the numerical value on the time weighted average, ceiling limit or short-term exposure limit; as adopted by the Department in accordance with Section 350.280.

c) A sampling device which can simultaneously test for oxygen, hydrogen sulfide and combustible gas/vapor without manual switching should be used to sample the atmosphere of a confined space. The sampling device shall be equipped with audible or visible warning devices, or both, which indicate when an atmosphere of a confined space has:

- 1) An oxygen content less than 19.5%; or an oxygen enriched atmosphere of more than 25% by volume.
- 2) A hydrogen sulfide content of 20 parts per million or more; and
- 3) A combustible gas/vapor content .20% or more of the lower explosive limit, L.E.L.

d) A nonsparking probe attached to the sampling device or the sampling device shall be used to sample the atmosphere of a confined space. When entry to a confined space is by means of a manhole, the probe shall be inserted through the pick-hole of the manhole cover, or the manhole cover shall be pried open on the downwind side to allow just enough room for insertion of the probe or the device.

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

Section 350.350 Calibration.

The calibration of a sampling device shall be conducted according to the manufacturer's procedures.

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)

Section 350.360 Air Quality.

a) Except as provided in subsection (c) a confined space may not be entered, unless the atmosphere of the confined space has:

- 1) An oxygen content of 19.5% or more, but not greater than 25%;
- 2) A hydrogen sulfide content of less than 20 parts per million;
- 3) A combustible gas/vapor content less than 20% of the lower explosive limit, L.E.L.; and
- 4) An atmosphere concentration of any substance listed in Subpart 2 of Part 1910 Standards adopted by Illinois Department of Labor less than the numerical value on the time weighted average, ceiling limit or short-term exposure limit, as adopted by the Department in accordance with Section 350.280.

b) A confined space with an atmosphere which is not within any or all of the limits specified in subsection (a) may be ventilated and may be entered when sampling indicates an atmosphere within the limits specified in subsection (a).

c) A confined space with an atmosphere which cannot be brought within all of the limits specified in subsections (a)(1), (2) or (4) for oxygen, hydrogen sulfide or a toxic substance may be entered if a self-contained positive pressure breathing apparatus or an air line respirator is used with an escape air tank.

d) A confined space with an atmosphere which is not within the limit specified in subsection (a)(3) for combustible gas/vapors may not be entered even if a breathing apparatus or respirator is used.

e) For the purpose of determining the specific entry procedures to be followed, a confined space which may be entered shall be classified as either a level 1 space or a level 2 space based upon the air quality and the sources of possible contamination.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

1) A level 1 space shall be a confined space with an atmosphere within the limits specified in subsection (a) and the only source of contamination expected or likely to affect the atmosphere is the employee's presence or the employee's activities.

2) A level 2 space shall be a confined space with an atmosphere which falls within one of the following conditions:

- A) The air quality is within the limits specified in subsection (a) and the confined space contains sources of contamination, other than the employee or the employee's activities, which may affect the atmosphere; or
- B) The air quality is, or was at some time previously, not within any or all of the limits specified in subsection (a).

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)

Section 350.370 Entry Procedures.

a) Level 1 spaces. Entry into or work in a level 1 space shall be in accordance with this subsection.

1) The atmosphere within the employee's immediate work area shall be continuously monitored for oxygen, hydrogen sulfide and combustible gas/vapor while the employee is in the confined space.

2) Signals from the monitoring device shall immediately indicate when the atmosphere falls outside any of the air quality limits specified in Section 350.360(a)(1) to (4) for oxygen, hydrogen sulfide, combustible gas and toxic substances.

3) While in a confined space, if the air quality falls outside any or all of limits specified in Section 350.360(a)(1), (2) or (3) for oxygen, hydrogen sulfide or combustible gas, the employee shall exit the confined space, and the confined space shall be classified as a level 2 space.

4) Forced ventilation may not be used in lieu of monitoring devices.

b) Level 2 spaces. Entry into or work in a level 2 space shall be in accordance with this subsection.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 1) The atmosphere within the employee's immediate work area shall be continuously monitored for oxygen, hydrogen sulfide and combustible gas/vapor while the employee is in the confined space.
- 2) Signals from the monitoring device shall immediately indicate when the atmosphere is not within any of the limits specified in Section 350.360 (a) (1) to (3) for oxygen, hydrogen sulfide and combustible gas/or vapors.
- 3) While in the confined space, if the air quality falls outside either or both of the limits specified in Section 350.360 (a) (1) or (2) for oxygen or hydrogen sulfide, the employee shall exit the confined space, except if equipped with a self-contained positive pressure breathing apparatus or air line respirator with an escape air tank.
- 4) While in a confined space if the air quality falls outside the limit specified in Section 350.360(a)(3) for combustible gas/vapors, the employee shall exit the confined space.
- 5) Forced ventilation may not be used in lieu of monitoring devices.
- 6) When the environment in a confined space is imminently dangerous to life and health (See Section 350.20), a body harness with an attached lifeline shall be worn.
- 7) The body harness design and the D-ring location shall facilitate easy and safe removal of the person through the confined space point of entry.
- 8) The free end of the lifeline shall be attended by an observer who is stationed outside the confined space and shall keep the person in the confined space within voice and visual contact. Voice contact may be maintained by communication equipment. The observer shall not be assigned any tasks that will divert his attention from the person within the confined space or that will interfere with his attempts to remove the person by use of the lifeline.
- 9) When the shape, size, and location of the confined space are not suited for compliance with the items listed in Section 350.370(b)(8), a specified procedure for the rescue of personnel shall be developed.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 10) Respiratory protective equipment shall be made available for each person in the confined space and for each observer including the person(s) who must take up the entrance watch in an emergency. If self-contained respiratory protective equipment is not worn during entry, it shall be located outside the confined space for emergency rescue purposes. If the potential for either an oxygen deficiency or fire exists, one 5-minute escape "pak" shall be available in the space of each individual. Respirator selection shall be made according to Section 350.390(a)(2).
 - 11) Where an air line respirator unit is used, the unit shall be equipped with an escape air tank.
 - 12) Prior to entering a confined space, procedures shall be established for acquiring additional help in the event of an emergency.
- (SOURCE: Added at 13 Ill. Reg. _____, effective _____)
- Section 350.380 Rescue.
- a) An employee entering any confined space for a rescue attempt shall be provided with, and wear, a full body harness and a self-contained positive pressure breathing apparatus or air line respirator.
 - b) Communication shall be made for additional help before a rescue attempt is made into any confined space.
- (SOURCE: Added at 13 Ill. Reg. _____, effective _____)
- Section 350.390 General Safety Requirements.
- a) Employees who are required to enter confined spaces shall be trained and equipped to recognize, understand and control air quality hazards that may be encountered in confined spaces.
 - 1) An employer shall provide all employees who are required to enter confined spaces with a written confined space entry procedure, and the employees shall be trained according to the established procedure.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 2) An employer shall provide a written standard operating procedure on the selection, use and care of the breathing apparatus, with proper employee training and fitting according to 29 CFR 1910.134 as adopted by the Department in accordance with Section 350.280.
- 3) An employer shall provide training for all employees who are required to enter confined spaces in first aid and cardio-pulmonary resuscitation.
- 4) Safety equipment such as, but not limited to, gloves, hard hats and protective clothing shall be provided by the employer whenever it is necessary by reasons of hazard(s).
- 5) No employee may smoke within 20 feet of a confined space.
- 6) Openings to confined spaces shall be kept clear of hand tools and debris.
- 7) Sampling devices and radios used in confined spaces shall be safe for use in combustible atmospheres.
- 8) Self-contained positive pressure breathing apparatus to be used in confined spaces shall have at least a 30-minute air supply capacity. The escape air tank for an air line respirator to be used in confined spaces shall have at least a 5-minute air supply capacity.
- b) Entrances to confined spaces which are located in streets shall be guarded in accordance with this subsection.

- 1) A vehicle's beacon and 4-way flashers shall be activated upon approach to an entrance to a confined space.

- 2) A vehicle shall be parked in such a way that traffic flows in an unobstructed manner and where possible, the vehicle shall provide protection for the public employees.

- 3) A vehicle shall be parked in such a manner that exhaust fumes cannot accumulate in the confined space. If this is not possible, the vehicle's exhaust pipe shall be extended away from the confined space. Whenever possible vehicles should be turned off.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 4) Before uncovering a manhole, traffic safety cones shall be placed around the manhole and any vehicle, and shall be visible to traffic in all directions. Cones shall be placed to protect the employees and to channel traffic flow. Cones shall be placed at distances and intervals in accordance with local traffic ordinances to adequately warn oncoming traffic.
- 5) In areas of high traffic volume or other sites warranting additional warning devices, illuminated traffic arrows, barricades and warning signs shall be used around the entrance and any vehicle.
- 6) When placement of the vehicle creates a situation of having only one open lane of traffic in high traffic volume areas, a flagman shall be used to direct traffic flow.
- c) Work Zone Safety: Traffic safety vests or equivalent shall be worn at all times when working on the street or easement surface.

(SOURCE: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART E: FIRE FIGHTING SAFETY STANDARDS

Section 350.400 Administration.

a) Scope

- 1) This standard contains minimum requirements for a fire service related occupational safety and health program.

- 2) These requirements are applicable to organizations providing fire suppression, rescue, and other emergency services.

b) Purpose

- 1) The purpose of this standard is to specify the minimum requirements for an occupational safety and health program for a fire department or fire brigade, and safety procedures for those individuals involved in fire suppression, rescue, and related activities.

- 2) Many of the performance objectives of this standard may be achieved in a variety of ways. The achievement of these objectives is intended to help prevent accidents, injuries, and exposures, and to reduce the severity of those accidents, injuries, and exposures that do occur. They will also help to prevent exposure to hazardous materials and contagious diseases and reduce the probability of occupational fatalities, illnesses, and disabilities affecting fire service personnel.
- 3) Nothing herein is intended to restrict any jurisdiction from exceeding these minimum requirements.

c) Implementation

- 1) These regulations shall be effective in accordance with the dates specified herein. Variances shall be granted as outlined in subsection 350.190.
- 2) The adoption of these standards shall not be construed as limiting the duty to bargain as to rules that affect the wages, hours or working conditions of fire fighters nor to impair the enforcement of clauses in collective bargaining agreements which supplement or improve upon the standard or safety established by these rules.

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)

Section 350.410 Organization.

a) Fire Department Organizational Statement

- 1) The fire department shall prepare and maintain a written statement or policy that establishes the existence of the fire department; the basic organizational structure; the expected number of fire department members; the type of functions that the fire department is expected to perform; and the type, amount, and frequency of training to be provided to fire department members. Comply by July 1, 1990.
- 2) The organizational statement shall be available for inspection by members or their designated representatives. Comply by July 1, 1990.

b) Policy

The Fire Department shall adopt an official written departmental occupational safety and health policy that identifies specific goals and objectives for the prevention and elimination of accidents and occupational injuries, illnesses, and fatalities. It shall be the policy of the fire department to seek and to provide an occupational health and safety program for its members that complies with this standard. Comply by July 1, 1990.

c) Roles and Responsibilities

- 1) It shall be the responsibility of the fire department to provide a safe, healthy work environment for its members. The fire department shall research, develop, implement, and enforce an occupational safety and health program that recognizes and reduces the inherent risks involved in the operations of a fire department. Comply by July 1, 1990.
- 2) The fire department shall be responsible for compliance with all applicable laws and legal requirements with respect to member safety and health. Comply by July 1, 1990.
- 3) The fire department shall establish and enforce rules, regulations, and standard operating procedures to reach the objectives of this standard. Comply by July 1, 1990.
- 4) Each individual member of the fire department shall cooperate, participate, and comply with the provisions of the occupational safety and health program. Comply by July 1, 1990.
- 5) It shall be the right of each member to be protected by an effective occupational safety and health program and to participate or be represented in the research, development, implementation, and enforcement of the program. Comply by July 1, 1990.
- 6) The member organizations, when such an organization exists, shall cooperate with the fire department by representing the interests and the welfare of the members in the research, development, and implementation of the occupational safety and health program. Comply by July 1, 1990.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 7) The member organization shall have the right to represent the individual and collective rights of its members in the occupational safety and health program. Comply by July 1, 1990.

d) Records

- 1) The fire department shall establish a data collection system and maintain permanent records of all accidents, injuries, illnesses, or deaths that are or might be job related. See Subpart B, Records of Injuries and Illnesses. Comply by July 1, 1990.
- 2) The data collection system shall also maintain individual records of any occupational exposure to known or suspected toxic products or contagious diseases. Comply by July 1, 1990.
- 3) The fire department shall maintain training records for each member indicating dates, subjects covered, and certifications achieved. Comply by July 1, 1990.
- 4) The fire department shall maintain inspection, maintenance, repair, and service records for all vehicles and equipment used for emergency operations. Comply by July 1, 1990.
- 5) The fire department shall actively attempt to identify and limit the exposure of members to contagious diseases in the performance of their assigned duties. When appropriate, inoculations, vaccinations, and other treatment shall be made available. Comply by July 1, 1990.

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)

Section 350.420 Training and Education.

a) General Requirements

- 1) The fire department shall establish and maintain a training and education program with a goal of preventing occupational accidents, deaths, injuries, and illnesses. Comply by July 1, 1990.
- 2) The training and education provided to members shall address all of the applicable provisions of this standard. Comply by July 1, 1990.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 3) The fire department shall provide training and education for all fire department members commensurate with the duties and functions that they are expected to perform. Certification is not necessarily required, but documentation must be provided and available for inspection. Comply by July 1, 1990.
- 4) The fire department shall provide training and education for all members to ensure that they are able to perform their assigned duties in a safe manner that does not present a hazard to themselves or to other members. Comply by July 1, 1990.
- 5) All training and education shall be provided by individuals who are qualified to provide instruction in the subjects covered. Comply by July 1, 1990.
- 6) Fire department training officers shall receive training in the following:
 - A) Subject Areas:
 - i) Concepts of Learning
 - ii) Evaluation Systems
 - iii) Human Factors Involved in Learning
 - iv) Instructional Aids
 - v) Instructors Role and Responsibilities
 - vi) Lesson Plans
 - vii) Methods of Instruction
 - viii) Oral Communication
 - ix) Organizing the Learning Environment
 - x) Supervised Practice Teaching
 - xi) Training Records and Reports

B) Certification as Fire Instructor I by the Office of the Illinois State Fire Marshal shall be considered as meeting the requirements of this subsection. Comply by July 1, 1992.

b) Training Frequency

- 1) Training shall be provided for all members as often as necessary to meet the requirements of Section 350.430(a) and (b) of this Subpart, but not less than twice each year. Comply by July 1, 1990.
- 2) Whenever changes in procedures or technology are introduced or new hazards are identified in the work environment, appropriate training and education shall be provided for all affected members. Comply by July 1, 1990.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

c) Basic Training and Education Requirements

- 1) Members shall be provided with training and education appropriate for their duties and responsibilities before being permitted to engage in emergency operations. Comply by July 1, 1990.
- 2) All members who engage in structural fire fighting shall receive training in the following:

A) Subject Areas:

- i) Emergency Medical Care
- ii) Fire Behavior
- iii) Fire Extinguishers
- iv) Fire Fighter Safety
- v) Fire Hose, Nozzles, and Appliances
- vi) Fire Service Orientation
- vii) Fire Streams and Water Supply
- viii) Fire Suppression Techniques
- ix) Forcible Entry
- x) Hazardous Materials
- xi) Inspections
- xii) Ladders
- xiii) Rescue
- xiv) Ropes and Knots
- xv) Salvage and Overhaul
- xvi) Self Contained Breathing Apparatus
- xvii) Ventilation

- B) Certification as a Certified Fire Fighter II by the Office of the State Fire Marshal shall be considered as meeting the requirements of this subsection. Comply by July 1, 1992.

- 3) All fire apparatus drivers/operators shall receive training in the following subjects as appropriate to the fire fighters' duties:

A) Mechanical Principles of Pumps and Pump ControlsB) Hydraulic Calculations:

- i) friction loss
- ii) gallons per minute
- iii) engine pressure

C) Operating Fire Department Pumps:

- i) from draft
- ii) from booster tank
- iii) from a fire hydrant

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- D) Operating an Aerial Apparatus or Water Supply Vehicle, if operated by the department

- E) Driving Fire Apparatus and Other Emergency Vehicles - including laws and ordinances governing the operation of such vehicles

- F) Inspection, Maintenance, Testing of Fire Apparatus - including record keeping

- G) Supplying Master and Elevated Streams

- H) Supplying Sprinkler and Standpipe Systems

- I) Certification as a Fire Apparatus Engineer by the Office of the Illinois State Fire Marshal shall be considered as meeting the requirements of this subsection. Comply by July 1, 1992.

- 4) All fire fighters who are primarily assigned to aircraft rescue and fire fighting shall receive the training indicated in Section 350.420(c)(2) plus the following:

A) Subject Areas:

- i) Airport Fire Fighting Orientation
- ii) Airport Familiarization
- iii) Aircraft Familiarization
- iv) Aircraft Fire Fighting and Rescue Procedures

- B) Certification as an Airport Fire Fighter by the Office of the Illinois State Fire Marshal shall be considered as meeting the requirements of this subsection. Comply by July 1, 1992.

- 5) All fire officers shall receive training in the following subjects after their appointment as a fire officer:

A) Subject Areas:

- i) Building Construction
- ii) Community Relations
- iii) Fire Department Administration and Organization
- iv) Fire Fighter Safety
- v) Fire Inspection and Prevention
- vi) Fire Investigation
- vii) Hazardous Materials
- viii) Incident Command Systems
- ix) Leadership and Supervision
- x) Recordkeeping and Report Writing
- xi) Strategy and Tactics

NOTICE OF PROPOSED AMENDMENTS

B) Fire officers assigned to training activities shall also receive training in those subjects listed in Section 350.420(a)(6) of this standard. Certification as a Fire Officer I by the Office of the Illinois State Fire Marshal shall be considered as meeting the requirements of this subsection. Comply by July 1, 1992.

6) The training program for all members engaged in fire ground operations shall include procedures to be followed to provide for their safe exit from the dangerous area in the event of equipment failure or sudden changes in fire conditions. Comply by July 1, 1990.

d) Training for Structural Fire Fighting

1) Members engaged in structural fire fighting shall participate in training at least monthly. Comply by July 1, 1990.

2) Training in fire ground operations shall be based on standard operating procedures. These procedures shall be maintained in written form and shall address all emergency scene operations. Comply by July 1, 1990.

3) Training exercises shall be conducted in accordance with the established fire ground operation procedures and shall be supervised by qualified instructors. Comply by July 1, 1990.

4) When training involves live fire fighting exercises, these shall be conducted in compliance with NFPA 1403 (1986 edition), Standard on Live Fire Training Evolutions in Structures. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1990.

5) Smoke generating devices that produce hazardous atmosphere shall not be used in training exercises. Comply by July 1, 1990.

e) Special Hazards

1) Specialized training and education shall be provided to members regarding special hazards to which they may be exposed during fires and other emergencies. Comply by July 1, 1990.

2) The fire department shall develop written procedures that describe the actions to be taken in situations involving special hazards and shall include these in the training and education program. Comply by July 1, 1990.

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

Section 350.430 Vehicles and Equipment

a) General

The fire department shall consider health and safety as primary concerns in the specification, design, construction, acquisition, operation, maintenance, inspection, and repair of all vehicles and equipment. Comply by July 1, 1990.

b) Drivers/Operators of Fire Department Vehicles

1) Fire department vehicles shall be operated only by members who are trained and/or certified in their proper operation. Driver/operators of fire apparatus shall meet the requirements specified in Section 350.430(c)(3) of this subsection. Comply by July 1, 1992.

2) Drivers of fire department vehicles shall have valid driver's licenses for the type of vehicle. Vehicles shall be operated in compliance with all traffic laws, including sections pertaining to emergency vehicles, as applicable. Comply by July 1, 1990.

3) Drivers of fire department vehicles shall be directly responsible for safe and prudent operations under all conditions. When the driver is under the direct supervision of an officer, that officer shall also assume responsibility for the actions of the driver. Comply by July 1, 1990.

4) Drivers shall not move fire department vehicles until all persons, except for performing CPR or like activities in an ambulance/rescue vehicle, on the vehicle are seated and secured with seat belts or safety harnesses in approved riding positions. Comply by July 1, 1990.

c) Persons Riding on Fire Apparatus

1) All persons riding on fire apparatus shall be seated and secured to the vehicle by seat belts or safety harnesses at any time the vehicle is in motion. Comply by July 1, 1990.

2) Helmets and eye protection shall be provided for and used by persons riding in cabs or tiller seats that are not enclosed. Comply by July 1, 1990.

3) All new fire apparatus shall be specified and ordered with a sufficient number of seats in a fully enclosed area as specified by NFPA 1901 (1985 edition), Standard for Automotive Fire

NOTICE OF PROPOSED AMENDMENTS

Apparatus for the maximum number of persons who may ride on the vehicle at any time. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1990.

d) Inspection, Maintenance, and Repair of Vehicles

1) All fire department vehicles shall be inspected at least weekly and within 24 hours after any use or repair to identify and correct unsafe conditions. A preventive maintenance program shall be established and records shall be maintained as specified in Section 350.420, (f)(4) of this subpart. Maintenance, inspection, and repairs shall be performed in accordance with manufacturers' instructions. Comply by July 1, 1990.

2) Any fire department vehicle found to be unsafe shall be placed out of service until repaired. After being repaired, the vehicle shall be inspected prior to being placed back in service. Comply by July 1, 1990.

3) Fire pumps on apparatus shall be service tested in accordance with the frequency and procedures specified in NFPA 1911 (1987 edition), Standard on Acceptance and Service Tests of Fire Department Pumping Apparatus. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1990.

4) All aerial devices shall be inspected and service tested in accordance with the frequency and procedures specified in NFPA 1904 (1980 edition), Standard for Testing Fire Department Aerial Ladders and Elevating Platforms. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1990.

e) Portable Equipment

1) All equipment carried on fire apparatus or designated for training shall be visually inspected at least monthly and within 24 hours after any use. Inventory records shall be maintained for the equipment carried on each vehicle. Records shall also be maintained for equipment designated for training. Comply by July 1, 1990.

2) All equipment carried on fire apparatus or designated for training shall be tested at least annually in accordance with manufacturers' instructions and applicable standards. Comply by July 1, 1990.

NOTICE OF PROPOSED AMENDMENTS

3) Fire fighting equipment found to be defective or in unserviceable condition shall be removed from service and repaired or replaced. Comply by July 1, 1990.

4) All ground ladders shall be inspected and service tested as specified in NFPA 1932 (1984 edition), Standard on Use, Maintenance, and Service Testing of Fire Department Ground Ladders. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1990.

5) All fire hose shall be inspected and service tested as specified in NFPA 1962 (1979 edition), Standard on Care, Maintenance, and Use of Fire Hose Including Connections and Nozzles. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1990.

6) All fire extinguishers shall be inspected and tested as specified in Section 1910.157, Standard for Portable Fire Extinguishers which has been adopted by the Department in accordance with Section 350.280. Comply by July 1, 1990.

7) The hearing conservation objectives of Section 350.450, (h)(3) shall be taken into account in the acquisition of new power tools and equipment. Comply by July 1, 1990.

f) New and Existing Vehicles and Portable Equipment

1) All new vehicles, or vehicles being refurbished, and portable equipment shall meet the respective standard as specified in Section 350.430(c)(3), (d)(3), (e)(4), (e)(5), and (e)(6). Comply by July 1, 1990.

2) Existing vehicles and portable equipment shall have met the edition of the respective NFPA standard that was current when the vehicle or portable equipment was purchased. Comply by July 1, 1990.

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)

Section 350.440 Protective Clothing and Protective Equipment

a) General

1) The fire department shall provide each member with the appropriate protective clothing and protective equipment to provide protection from the hazards of the work environment to

DEPARTMENT OF LABOR

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

which the member is or may be exposed. Such protective clothing and protective equipment shall be suitable for the tasks that the member is expected to perform in that environment. Comply by July 1, 1991.

2) Protective clothing and protective equipment shall be used whenever the member is exposed or potentially exposed to the hazards for which provided. Comply by July 1, 1990.

3) Members shall be fully trained in the care, use, inspection, maintenance, and limitations of the protective clothing and protective equipment assigned to them or available for their use. Comply by July 1, 1990.

4) Protective clothing and protective equipment shall be used and maintained in accordance with manufacturers' instructions. A maintenance and inspection program shall be established for protective clothing and protective equipment. Specific responsibilities shall be assigned for inspection and maintenance. Comply by July 1, 1990.

b) Protective Clothing for Structural Fire Fighting

1) All members who may be engaged in or exposed to the hazards of structural fire fighting shall be provided with both protective coats and protective trousers that meet the requirements of NFPA 1971 (1986 edition), Standard on Protective Clothing for Structural Firefighting. An overlap of not less than 8 inches of protective coat and protective trouser shall be required. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1994.

2) All members who may be engaged in or exposed to the hazards of structural fire fighting shall be provided with helmets that meet the requirements of NFPA 1972 (1987 edition), Standard on Helmets for Structural Fire Fighting. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1993.

3) All members who may be engaged in or exposed to the hazards of structural fire fighting shall be provided with gloves that meet the requirements of NFPA 1973 (1983 edition), Standard on Gloves for Structural Fire Fighters. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1991.

4) Fire departments that provide protective coats with protective resilient wristlets secured through a thumb opening may provide gloves of the gauntlet type for use with these protective

coats. Fire departments that do not provide such wristlets attached to all protective coats shall provide gloves of the wristlet type for use with these protective coats. Comply by July 1, 1991.

5) All members who may be engaged in or exposed to the hazards of structural fire fighting shall be provided with footwear that meets the requirements of NFPA 1974 (1987 edition), Standard on Protective Footwear for Structural Fire Fighting. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1991.

6) All members who may be engaged in or exposed to the hazards of structural fire fighting shall be provided with approved protective hoods or a combination of ear flaps and collar that provide protection for the ears and neck and interface with the SCBA facepiece, protective coat, and helmet. Comply by July 1, 1991.

7) The fire department shall require all members to wear all the protective clothing specified in Section 350.440(b)(1), (b)(2), (b)(3), (b)(5), and (b)(6) of this Section at all times when involved in or exposed to the hazards of structural fire fighting. Comply by July 1, 1991.

8) When station/work uniforms are worn by members who may be engaged in or exposed to the hazards of structural fire fighting, such station/work uniforms shall meet the requirements of NFPA 1975 (1985 edition), Standard on Station/Work Uniforms for Fire Fighters. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1991.

c) Self-Contained Breathing Apparatus (SCBA)

1) SCBA shall be provided for and shall be used by all personnel working in areas where:

A) Applicable Areas:

- i) the atmosphere is hazardous,
- ii) the atmosphere is suspected of being hazardous,
- iii) the atmosphere may rapidly become hazardous.

B) In addition to the above, all personnel working below ground level or inside any confined space shall be provided with SCBA and shall use the SCBA unless the safety of the atmosphere can be established by testing and continuous monitoring. Comply by July 1, 1990.

NOTICE OF PROPOSED AMENDMENTS

- 2) SCBA of the open-circuit design shall be positive pressure and shall meet the requirements of NFPA 181 (1987 edition), Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire Fighters. Closed-circuit type SCBA shall be NIOSH/MSHA approved with a minimum service duration of 30 minutes and shall operate in the positive pressure mode only. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1990.
- 3) The fire department shall adopt and maintain a respiratory protection program that meets the requirements of ANSI Z88.5 (1981 edition), Practices for Respiratory Protection for the Fire Service and ANSI Z88.6 (1984 edition), Physical Qualifications for Personnel. These standards are incorporated by reference and include no later amendments or editions. Medical information unrelated to a disabling condition obtained as a result of such examination shall remain confidential between the member and examining physician and shall not be the basis of any disciplinary action. Comply by July 1, 1990.
- 4) Compressed gaseous breathing air in the SCBA cylinder shall meet the requirements of the Compressed Gas Association G-7.1 (1966 edition), Commodity Specification for Air, with a minimum air quality of Grade D, as well as meeting a water vapor level of less than 25 ppm. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1990.
- 5) Sources of a compressed gaseous breathing air, such as compressors, cascade systems, storage receivers, etc., used for filling SCBA cylinders shall be tested at least every three months to assure their compliance with Section 350.440(c)(4). Comply by July 1, 1990.
- 6) SCBA cylinders shall be hydrostatically tested within the periods specified by the manufacturers and the applicable governmental agencies. Comply by July 1, 1990.
- 7) All SCBA shall be inspected, used, and maintained as specified in ANSI Z88.5 (1981 edition), Practices for Respiratory Protection for the Fire Service. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1990.

d) Personal Alert Safety System (PASS)

NOTICE OF PROPOSED AMENDMENTS

- 8) All members using SCBA shall be medically certified by a physician on an annual basis, and shall be regularly trained, tested, and certified in the safe and proper use of this equipment. Frequency of medical examinations and medical opinion/certifications are addressed in Section 350.440(c)(3).
- When this evaluation is conducted by a physician other than the fire department physician, the evaluation shall be subject to the review and approval of the fire department physician. Any dispute as to the evaluation shall be submitted to a neutral physician selected by mutual agreement. Comply by July 1, 1991.
- 9) Members using SCBA shall operate in teams of two or more who are in communication with each other through visual, audible, physical, safety guide rope, electronic, or other means to coordinate their activities, and are in close proximity to each other to provide assistance in case of an emergency. Comply by July 1, 1990.
- 10) When members are involved in operations that require the use of SCBA or other respiratory protective equipment, at least one member shall be assigned to remain outside the area where respiratory protection is required. This member shall be responsible for maintaining a constant awareness of the number and identity of personnel using SCBA, their location and function, and time of entry. Comply by July 1, 1990.
- 11) The facepiece seal capability of each member qualified to use SCBA shall be verified by qualitative fit testing on an annual basis and any time that new types of SCBA are issued. Each new member shall be tested before being permitted to use SCBA in a hazardous atmosphere. Only members with a properly fitting facepiece shall be permitted by the fire department to function in a hazardous atmosphere with self-contained breathing apparatus. Comply by July 1, 1990.
- 12) Beards or facial hair that interfere with the facepiece seal shall be prohibited for members required to use SCBA. If eyeglasses are worn, the member shall use frames that do not pass through the seal area of the facepiece. Comply by July 1, 1990.

NOTICE OF PROPOSED AMENDMENTS

- 1) Each member involved in rescue, interior structural fire fighting, shall be provided with and shall use a PASS device. Each PASS device shall be tested at least weekly and prior to each use, and shall be maintained in accordance with the manufacturers' instructions. Comply by July 1, 1991.
- 2) All PASS devices used by fire departments shall meet the requirements of NFPA 1982 (1983 edition), Standard on Personal Alert Safety Systems (PASS) for Fire Fighters. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1991.

e) Life Safety Ropes, Harnesses, and Hardware

- 1) All life safety ropes, harnesses, and hardware used by fire departments shall meet the requirements of NFPA 1983 (1985 edition), Standard on Fire Service Life Safety Rope, Harnesses, and Hardware. This standard is incorporated by reference and includes no later amendments or editions. Comply by July 1, 1991.
- 2) Class I life safety harnesses shall only be used for fire fighter attachment to ladders and aerial devices. Comply by July 1, 1991.
- 3) Class II and Class III life safety harnesses shall be utilized for fall arrest and rappelling operations. Comply by July 1, 1991.
- 4) Rope used to support the weight of members or other persons during rescue, fire fighting, other emergency operations, or during training shall be life safety rope. Life safety rope used for any other purpose shall be removed from service and destroyed. Comply by July 1, 1991.
- 5) Life safety rope used for rescue at fires or other emergency incidents shall be inspected after each use and shall be destroyed if found damaged. Comply by July 1, 1991.
- 6) Life safety rope used for training shall be designated as training rope and may be reused if inspected before and after each such use in accordance with the manufacturers' instructions. Training ropes shall be destroyed if subjected to impact loading, or if signs of weakness or wear are detected. Records shall be maintained to record the use of each life safety rope used for training. Comply by July 1, 1991.

NOTICE OF PROPOSED AMENDMENTS

f) New and Existing Protective Clothing and Protective Equipment

- 1) All new protective clothing and protective equipment shall meet the respective standard, as specified in Sections 350.440(b), (c)(2), (d)(2), and (e). Comply by July 1, 1990.
- 2) Existing protective clothing and protective equipment shall have met the edition of the respective NFPA standard that was current when the protective equipment or protective clothing was purchased. Protective equipment and clothing may only be reissued if in good repair and has been inspected for compliance with the respective NFPA standard, except for helmets which may not be reissued if more than 5 years old unless they are inspected by appropriate means by the fire department and found to be safe for use. Comply by July 1, 1990.

g) Eye and Face Protection

Face and eye protection shall be provided for and used by members engaged in fire suppression and other operations involving hazards to the eyes and face at all times when the face is not protected by the full facepiece of self-contained breathing apparatus. Comply by July 1, 1990.

h) Hearing Protection

- 1) Hearing protection shall be provided for and used by all members operating or riding on fire apparatus when subject to noise in excess of 90 dBA. Comply by July 1, 1990.
- 2) Hearing protection shall be provided for and used by all members when exposed to noise in excess of 90 dBA from power tools or equipment, except in situations where the use of such protective equipment would create an additional hazard to the user. Comply by July 1, 1990.
- 3) The fire department shall engage in a hearing conservation program to identify and reduce or eliminate potentially harmful sources of noise in the work environment. Where audiometric testing indicates a significant hearing loss for a member, the fire department shall address these conditions on an individual basis, as well as take steps to control potentially harmful noise exposure to any or all other members. Comply by July 1, 1990.

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

Section 350.450 Facility Safety

a) Safety Standards

- 1) All fire department facilities shall comply with all legally applicable health, safety, building, and fire code requirements. Comply by July 1, 1991.
- 2) All sleeping areas in fire stations shall be separated from vehicle storage areas and shall be protected by smoke detectors. Comply by July 1, 1991.
- 3) Fire stations shall be designed and provided with provisions to ventilate exhaust emissions from fire apparatus to prevent exposure to fire fighters contamination of living and sleeping areas. Comply by July 1, 1991.

b) Inspections

- 1) All fire department facilities shall be inspected at least annually to provide for compliance with Section A of this chapter. Inspections shall be documented and recorded. Comply by July 1, 1990.
- 2) All fire department facilities shall be inspected at least monthly to identify and cause correction of any health or safety hazards. Comply by July 1, 1990.

c) Maintenance and Repair

The fire department shall have an established system to maintain all facilities, and to cause prompt correction of any health or safety hazards or code violations. Comply by July 1, 1990.

(SOURCE: Added at 13 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED RULES

1) Heading of the Part: LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES2) Code Citation: 32 Ill. Adm. Code 3323) Section Number:Proposed Action:

332.10	New Section
332.20	New Section
332.30	New Section
332.40	New Section
332.50	New Section
332.60	New Section
332.70	New Section
332.80	New Section
332.90	New Section
332.100	New Section
332.110	New Section
332.120	New Section
332.130	New Section
332.140	New Section
332.150	New Section
332.160	New Section
332.170	New Section
332.180	New Section
332.190	New Section
332.200	New Section
332.210	New Section
332.220	New Section
332.230	New Section
332.240	New Section
332.250	New Section
332.260	New Section
332.270	New Section
332.280	New Section
332.290	New Section

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act (Ill. Rev. Stat. 1987, ch. 111½, pars. 211 et seq.).5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes procedures, criteria, and conditions applicable to issuance of specific licenses for source material milling and disposal of byproduct material by the Department of Nuclear Safety. The requirements are intended to ensure the protection of the public health and the environment during and after source material milling. This Part also establishes specific technical and financial requirements for source

material milling facilities including their construction and operation; decontamination; reclamation and ultimate stabilization; postclosure activities; license transfer and termination; and facility ownership and ultimate custody. The regulations in this Part do not apply to disposal of licensed material as provided in 32 Ill. Adm. Code 601.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking will not require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 120 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 120 day comment period. Comments should be submitted to:

Betsy Salus
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
785-9880

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 15, 1989
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance:
In addition to filing a license application, in order to achieve compliance with the requirements of this Part it may be necessary for mill owners or operators to:

- 1) Develop and follow procedures necessary for assuring safe operation of milling operators (Section 332.60);

- 2) Prepare and submit reports describing quality control for measurements (Section 332.60(s));
- 3) Report financial information that would allow the Department to determine whether the owner satisfies financial surety requirements (Section 332.90);
- 4) Notify the Department of filings of bankruptcy (Section 332.110 (g));
- 5) Submit a disposal plan (Section 332.220(a));
- 6) Inspect disposal sites (Section 332.250); and
- 7) Establish financial surety arrangements to assure the availability of funds for the decontamination, decommissioning, reclamation and long-term care of milling facilities (Section 332.260).

Record retention requirements are specified at Section 332.290.

- D) Types of professional skills necessary for compliance: Licensees must have staff skilled in the technical aspects of uranium and thorium milling and radiation safety. Also management and accounting skills are required. In addition, when preparing license applications, it may be necessary for applicants to obtain the skills of persons trained in such disciplines as geology, chemistry, toxicology and demography (See Section 332.60(a) for additional disciplines). When undertaking design and construction of tailings disposal structures, engineering skills will also be necessary.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

Section 332.10 Purpose and Scope

issues specific licenses for

b) In addition to the requirements of this Part, unless specified otherwise, all licensees are subject to the requirements of 32 ILL. Adm. Code 310, 320, 330, 341, 340, 341, 400 and 601, and 35 ILL. Adm. Code 302.208, 302.304, 303.202, and 303.203. The regulations in this Part do not apply to disposal of licensed material as provided in 32 ILL. Adm. Code 601.

c) This Part establishes procedural requirements and technical criteria applicable to any source material milling and to disposal of byproduct material as defined in this Part. It establishes specific technical and financial requirements for source material milling facilities including their construction, operation and decommissioning; decontamination; reclamation and ultimate stabilization; postclosure activities; license transfer and termination; and facility ownership and ultimate custody.

Section 332.20 Definitions

The following definitions are applicable for use in this Part only.

"Active maintenance" means any activity, other than minor custodial activities, needed to preserve isolation of the byproduct material. Active maintenance includes ongoing activities such as the pumping, removal, or treatment of surface water or groundwater or one-time measures such as replacement of a disposal area cover.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs. Any saturated zone created by uranium or thorium recovery operations would not be considered an aquifer unless the zone is or potentially is:

- hydraulically interconnected to a natural aquifer,
- capable of discharge to surface water, or

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

reasonably accessible because of migration beyond the vertical projection of the boundary of the land transferred for long-term government ownership and care in accordance with Section 332.280.

AGENCY NOTE: The determination of "significant" will be based on site specific criteria such as yield of the aquifer in volume per unit time, its degree of use or potential for future use for domestic, industrial, or agricultural purposes, the availability of alternative sources, and capability of users to change to alternative sources in the event groundwater protection standards are exceeded.

"Buffer zone" means the area surrounding the site used for disposal of either byproduct material, or material contaminated with uranium or thorium during or as a consequence of source material milling operations. Use of the buffer zone is limited to those activities that would not be detrimental to containment of the wastes, environmental monitoring, interception and processing of any surface or groundwater effluents.

"Byproduct material" means, for purposes of this Part only, the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by such solution extraction operations do not constitute byproduct material within this definition.

"Closure" means the activities following operations to decontaminate and decommission the buildings and site used to generate byproduct material, to stabilize or relocate the byproduct material, and to restore the groundwater to the degree necessary to achieve compliance with the groundwater protection requirements of subsection 332.230(a).

"Closure plan" means the plan submitted by the license applicant or licensee, and specified in the license, that describes how the licensed site will be decontaminated, reclaimed and stabilized.

"Commencement of construction" means any clearing of land, excavation, or other development action that would affect the environment of a licensed site. The term does not mean site exploration, construction of necessary roads for site exploration, boring to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

"Compliance period" begins when the Department sets specific secondary groundwater protection standards in accordance with Section 332.230 and ends when the owner's or operator's license is terminated and the disposal site is transferred to the State or federal agency for long-term care.

"Control boundary" means a physical barrier that separates a restricted area from an unrestricted area.

"Decommissioning" means to remove (as a facility) safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.

AGENCY NOTE: The byproduct material disposal site is not decommissioned because it will neither be released for unrestricted use nor be unlicensed. Land ownership and custody will be maintained by the State or the federal government as required by Section 332.280. However, portions of the licensed site other than the actual byproduct material disposal area are decommissioned.

"Dike" means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Disposal area" means the area containing byproduct material to which the requirements of Sections 332.170(c) and 332.240 apply.

AGENCY NOTE: The disposal area includes only the surface area of the land immediately underlain by byproduct material and does not include any embankments, dams, or other supporting structures which surround the byproduct material.

"Disposal site" means the land transferred to the State or federal government under Section 332.280. This land includes the disposal area, any surrounding embankments, or dams that contain the byproduct material, and any buffer zones.

"Existing portion" means that land surface area of an existing surface impoundment or disposal area on which significant quantities of byproduct material have been placed prior to September 30, 1983.

"Fund" means the "Radiation Protection Fund", Ill. Rev. Stat. 1987, ch. 111½, par. 218(c).

"Groundwater" means water below the land surface in a zone of saturation. For purposes of this Part, groundwater is the water contained within an aquifer as defined above.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

"Leachate" means any liquid, including any suspended or dissolved components in the liquid, that has percolated through or drained from the byproduct material.

"Licensed site" means the area contained within the boundary of a location under the control of persons generating or storing byproduct material under a Department license.

AGENCY NOTE: The licensed site would include, at a minimum, any actual or proposed disposal areas and sites, any buffer zones, and any additional land used by the licensee for the generation and storage of byproduct material. Normally, this latter land area will be decommissioned and reclaimed, and not subject to land transfer under Section 332.280.

"Liner" means a continuous layer of natural or man-made material, beneath or on the sides of a surface impoundment which restricts the downward or lateral escape of byproduct material, hazardous constituents, or leachate.

"Minor custodial activities" means maintenance activities not necessary to preserve the isolation of the byproduct material. Such activities could include repair of fencing, repair or replacement of monitoring equipment, minor additions to or repair of disposal area cover, and general disposal site upkeep such as mowing grass.

"Monitoring" means observing and making measurements to provide data to evaluate the performance and characteristics of a licensed or disposal site.

"Point of compliance" means the site specific location in the uppermost aquifer where the groundwater protection standard must be met.

"Postclosure" means the period of time from completion of the closure plan for decontamination, reclamation, and stabilization of the source material milling facility, byproduct material surface impoundment and disposal area, but prior to the termination of the license.

"Reclamation" means the following activities performed at a licensed site as a part of closure:

stabilize and isolate byproduct material contained within a disposal site;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

backfill with uncontaminated soil any disturbed areas to achieve a topography compatible with surrounding terrain;

recontour land to support surface drainage; and

revegetate as necessary.

"Restricted area" means any area access to which is controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive material. The restricted area shall not include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

"Source material" means:

uranium or thorium, or any combination thereof, in any physical or chemical form, or

ores which contain by weight one-twentieth of one percent (0.05%) or more of uranium, thorium, or any combination of uranium or thorium. Source material does not include special nuclear material.

"Source material milling" means any operation in which uranium or thorium is extracted and concentrated from ore processed primarily for its source material content. This includes solution mining and heap leaching and any other operation which generates byproduct material as defined in this Part.

"Special nuclear material" means:

plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the U.S. Nuclear Regulatory Commission determines to be special nuclear material, or

any material artificially enriched by any of the foregoing.

"Surface impoundment" means a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

"Surveillance" means monitoring and observation of the disposal site for the purposes of visual detection of the need for maintenance, custodial care, evidence of unauthorized access, and compliance with other license and regulatory requirements.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

Section 332.30 License Required

- a) No person shall operate a source material milling facility or byproduct material surface impoundment or disposal area, or receive, possess, dispose, or transfer source or byproduct material associated with such facilities, unless authorized by a license issued by the Department pursuant to this Part and 32 Ill. Adm. Code 330.
- b) Each person shall file an application with the Department pursuant to 32 Ill. Adm. Code 330.240 and obtain a license as provided in this Part before commencement of construction of a source material milling facility, or byproduct material surface impoundment or disposal area. Failure to comply with this requirement shall be grounds for denial of a license.

Section 332.40 Application Content and Procedure

- a) In addition to the requirements set forth in 32 Ill. Adm. Code 330.250, an application filed pursuant to this Part shall contain the required information as set forth in Sections 332.50 through 332.90.
- b) The Department will review the application for completeness within sixty (60) days after receipt of the application and will notify the applicant whether or not the application is acceptable for filing. This review of the application shall not constitute the Department's approval of the adequacy of the information and data contained in the application.
- c) The Department may at any time after the filing of the original application, and before the expiration of the license, require further statements or data to enable the Department to determine whether the application should be denied or whether a license should be granted, modified, or revoked.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- d) A license application may include a request for a license to engage in one or more activities, provided that the application specifies the additional activities for which licenses are requested and complies with regulations of the Department as to application for such licenses.
- e) In any application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed by the applicant with the Department. Such reference shall identify the document being referenced by subject, date and page number.
- f) All materials considered to be proprietary in nature shall be separated, marked confidential and sealed in an envelope or package. These materials shall be referenced in the license application.
- g) Ten copies of an application for a specific license, or amendment thereto, shall be filed with the Department.
- h) Each application for a specific license, or amendment thereto, shall be accompanied by the fee prescribed in 32 Ill. Adm. Code 331, Appendix A.

Section 332.50 General Information

The general information shall include each of the following:

- a) Identity of the applicant, including:
 - 1) The full name, address, telephone number, and description of the business or occupation of the applicant;
 - 2) If the applicant is a partnership, the name and address of each partner and the principal location where the partnership does business;
 - 3) If the applicant is a corporation or an unincorporated association, the state where it is incorporated or organized, the principal location where it does business, and the names and addresses of its directors and principal officers; and
 - 4) If the applicant is acting as an agent or representative of another person in filing the application, all information required under this subsection shall be supplied with respect to the other person.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

b) Qualifications of the applicant:

- 1) The organizational structure of the applicant, both offsite and onsite, including a description of lines of authority and assignments of responsibilities, whether in the form of administrative directives, contract provisions, or otherwise;
- 2) The technical qualifications, including training and experience, of the applicant and members of the applicant's staff to engage in the proposed activities. Minimum training and experience requirements for personnel filling positions described in response to the requirements of subsection (b)(1) shall be provided;

- 3) A description of the applicant's program for training personnel to execute job functions in a manner consistent with the requirements of this Part and 32 Ill. Adm. Code 310, 320, 330, 340, 341, and 400.

4) The plan to maintain trained personnel to carry out;

- A) Receipt, possession and transfer of source and byproduct material;
- B) Source material milling;
- C) Disposition of byproduct material; and
- D) Reclamation, decontamination, and stabilization of the licensed site, surface impoundments, and disposal areas.

c) A description of:

- 1) The location of the proposed source material milling facility, and byproduct material surface impoundments and disposal areas;
- 2) The general character of the proposed activities;
- 3) The types and quantities of ores and product to be received, possessed, stored, transferred, or disposed of;
- 4) The plans for use of the source material milling facility, and byproduct material surface impoundments, and disposal areas for purposes other than source material milling and the disposal of byproduct material as defined in this Part; and

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- 5) The proposed milling facilities, equipment, surface impoundment and disposal area conceptual design, and size of the licensed site through closure.
- 6) The proposed schedules for construction, receipt of ores, the first processing of ores, expansion or increased capacity potential over and above the planned facilities, and the anticipated operational lifetime of the source material milling facility and surface impoundments.

Section 332.60 Technical Information

The application shall contain technical information demonstrating that the technical criteria of this Part will be met. Specifically, the application shall contain:

- a) A description of the characteristics of the proposed licensed site as determined by selection and characterization activities. The description shall include, but need not be limited to, the following:
 - 1) Topography, geology, geochemistry, geotechnology, seismology, hydrology, climatology, meteorology, radioactivity, toxicology, ecology;
 - 2) History, archaeology, and demography;
 - 3) Local economy and land usage;
 - 4) Known natural and mineral resources;
 - 5) Proposed and available modes of transportation; and
 - 6) A list of all endangered plant and animal species on the site and within 10 km.
- b) A description of the design features of the source material milling facility and byproduct material surface impoundment and disposal area. The description shall include the following:
 - 1) Surface and groundwater management;
 - 2) Effluent discharges and monitoring;
 - 3) Licensed site access protection;
 - 4) Occupational exposure control;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- 5) Licensed site monitoring, closure and maintenance; and
- 6) Buffer zone adequacy for monitoring and potential mitigative measures.
- c) A description of the design criteria and their relationship to the technical criteria.
- d) A description of the natural events or phenomena, such as winds and rainstorms, tornados, earthquakes and extreme temperatures, used for the design and their relationship to the design criteria.
- e) A description of codes and standards which the applicant has applied to the design and which will apply to construction of the source material milling facility, and any byproduct material surface impoundment and disposal area.
- f) A description of the construction and operation of any byproduct material surface impoundment and disposal area. The description shall include as a minimum:
 - 1) Method of construction;
 - 2) Method for emplacement of byproduct material within a surface impoundment or disposal area;
 - 3) Procedures for and areas of waste segregation;
 - 4) Types of access control barriers;
 - 5) Engineering quality control program;
 - 6) Construction quality assurance program;
 - 7) Methods and areas of waste storage;
 - 8) Onsite traffic and drainage systems; and
 - 9) Methods to control surface water and groundwater and precipitation access to the byproduct material.
- g) A description of methods to be employed in the handling and disposal of the byproduct material including dewatering and neutralizing such materials that, because of physical or chemical properties, might affect meeting the technical criteria of this Part.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- h) A description of the licensed site closure plan, including those design features which are intended to facilitate closure and to eliminate the need for active maintenance.
- i) A description of the kind, amount, source, classification and specifications of the radioactive material proposed to be received, possessed, processed, and disposed of at the source material milling facility, any byproduct material surface impoundment, and any disposal area.
- j) A description of the quality assurance program for the determination of natural characteristics of the licensed site and for the maintenance of quality control during the design, construction, operation, reclamation, decontamination, stabilization, and closure of the licensed site. Audits and managerial controls including criteria and standards shall be incorporated in this program.
- k) A description of the radiation safety program for controlling and monitoring radioactive effluents to ensure compliance with the technical criteria in Section 332.170; occupational radiation exposure to ensure compliance with the requirements of 32 Ill. Adm. Code 340; and to control contamination of personnel, vehicles, equipment, buildings, and the site. Both routine operations and accidents shall be addressed. The program description shall include procedures, instrumentation, facilities, and equipment.
- l) A description of the environmental monitoring program designed to provide data to evaluate potential health and environmental impacts and the plan for taking corrective measures if migration is indicated. Components of an environmental monitoring program generally include:
 - 1) the sampling of air, for particulate and gaseous emissions;
 - 2) the sampling of surface water and groundwater;
 - 3) the sampling of soil and sediment;
 - 4) the sampling of vegetation and animals;
 - 5) the sampling of total radon and its daughters;
 - 6) the sampling of direct radiation with both passive integrating devices and survey instruments; and
 - 7) other environmental analysis that might be indicated as a result of site specific conditions.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- m) A description of the proposed methods of decontamination, reclamation, stabilization and long-term care within the licensed site.
- n) A description of each emission source and emission control device incorporated into the source material milling operations. The description shall also include the efficiency, calibration procedures and maintenance schedules for emission control devices.
- o) A description of the licensee's procedure for monitoring all pathways of exposure to workers and the public. The frequency of monitoring for each pathway shall be site specific and designed to demonstrate compliance with the criteria of Section 332.170.
- p) A description of the administrative procedures that the applicant will apply to control activities at the source material milling facility and any byproduct material surface impoundment, and disposal area including, but not limited to, organization and lines of authority, management audit programs, and internal inspection programs.
- q) An estimate of the environmental effects of accidents on each operation.
- r) A description of regional and site specific characteristics which have seasonal or cyclical variations to include the range of variations in addition to the average values. The site specific pre-operational monitoring data must be based on data collected during a one year (four consecutive seasons) period or longer. This data shall be collected prior to any alteration of the environment by changes in topography, drainage, or construction of the milling facility and waste disposal system.
- s) A report describing methodology, calibration procedures, quality control and data analysis for each type of measurement shall be included in the application.

Section 332.70 Technical Analyses

The technical information shall also include the following analyses needed to demonstrate that the technical criteria of this Part will be met:

- a) Analysis of radiological impacts, including all pathways of exposure (i.e., ingestion, inhalation, external exposures) of an individual continuously present at the control boundary, the public and those

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

Individuals working at the licensed site, in accordance with Section 332.170 and 32 Ill. Adm. Code 340.1010. The analysis of radiological impacts of the proposed project must include the construction, operation, decontamination, reclamation, stabilization and postclosure periods under both normal and low-frequency severe event conditions, e.g. floods, severe storms, earthquakes, tornadoes, extreme temperatures. In addition, the analysis shall include a description of assumptions and procedures used for determination of the source terms, concentrations, and dose-conversion factors. The impacts analysis shall also include the following:

- 1) A determination of the radiological impacts to an individual continuously present at the control boundary;
- 2) A determination of the health impacts to the public, based on existing population and projected population, for 100 years, within a distance of 80 km;
- 3) A determination of the health impacts to the public, based on existing population and projected population, for 100 years, within a distance to 5 km;
- 4) Radiological analyses for a period up to 100 years after the anticipated closure;
- 5) The radiological impacts on groundwater, estimated for a period of 1,000 years after the beginning of the operation; and
- 6) Identification and differentiation of the roles performed by the natural site characteristics and design features in isolating the byproduct material from the environment. The analysis shall include assessments that show the exposures to humans from the release of radioactivity will not exceed the limits set forth in Section 332.170.

- b) Analyses of the protection of individuals during operations shall include assessments for expected exposures due to routine operations and accidents during operation, storage, transfer, transport, and disposal of ores, products, byproducts, and byproduct material as defined in this Part. The analyses shall include assessments that show that exposures will be controlled to meet the requirements of 32 Ill. Adm. Code 340.1010 for individuals in the restricted area, and the requirements of Section 332.170 for individuals outside the control boundary.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- c) Evaluation of the long-term stability of the byproduct material disposal site and the need for active maintenance after closure of the source material milling facility and any byproduct material surface impoundment or disposal area shall be based upon analyses of active natural processes such as erosion, mass wasting, slope failure, settlement of byproduct material and backfill, infiltration through covers over disposal areas and adjacent soils, and surface drainage of the disposal site. The analyses shall include assessments that show that, after decommissioning, the disposal site will not require active maintenance.
- d) Analysis of the protection of the disposal site from inadvertent access shall include demonstration that the site closure requirements of Section 332.180 will be met.

Section 332.80 Institutional Information

Where the proposed disposal site is on land not owned by the federal or State government, the applicant shall submit evidence that arrangements have been made for transfer of ownership in fee to the federal or State government. Such arrangements shall provide that the governmental agency assuming custody of the byproduct material and its disposal site also assume responsibility for long-term care, observation and maintenance after termination of the license issued by the Department.

Section 332.90 Financial Information

The financial information shall be sufficient to determine that the financial qualifications of the applicant are adequate to carry out the activities for which the license is sought and to comply with financial surety regulations set forth at Section 332.260.

Section 332.100 Evaluation of License Application and Issuance of a License

a) Environmental Analysis

- 1) Each application for a license or license amendment must be reviewed and the license or amendment must be issued by the Department before commencement of any major construction activity. As part of its review of such applications, the Department shall prepare a written analysis of the impact of the license including any activities conducted pursuant thereto. The analysis shall include the following:

- A) An assessment of the radiological and nonradiological impacts to the public health of the activities to be conducted pursuant to the license or amendment;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- B) An assessment of any impact on any waterway and groundwater resulting from the activities conducted pursuant to the license or amendment;
- C) Consideration of alternatives, including alternative sites and engineering methods, to the activities to be conducted pursuant to the license or amendment; and
- D) Consideration of the long-term impacts including decommissioning, decontamination and reclamation impacts, associated with activities to be conducted pursuant to the license or amendment.
- 2) Commencement of construction prior to issuance of the license or amendment shall be grounds for denial of the license or amendment. As used in this section, the term "commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values; and
- 3) The environmental analysis prepared in accordance with subsection (a)(1) shall be available to the public before the commencement of hearings regarding the merits of the application.

b) Public participation

1) Written comments

- A) Upon completing preparation of the analysis pursuant to subsection (a), the Department shall publish a notice of the availability of the environmental analysis in the official State newspaper and in a newspaper published in the county or counties where the facility which is the subject of licensing action is to be located. This notice shall specify how a copy of the environmental analysis can be obtained as well as the deadline and address for submitting written comments on the license application.
- B) The Department shall accept written comments on the license application and the environmental analysis for at least 45 days following the publication of the notice described in subsection (b)(1)(A).

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

2) Hearings

A) At least 30 days prior to the issuance or renewal of a license pursuant to this Part, the Department shall publish a Notice of Opportunity to request a hearing in the official State newspaper and in a newspaper published in the county or counties where the facility that is the subject of the license application is located. This notice shall contain:

- i) a statement identifying the location of the facility,
- ii) a statement of the availability of the environmental analysis,
- iii) a statement of the right to request a hearing,
- iv) the date by which a request for a hearing is to be submitted to the Department, such date shall be no less than 20 days from the date of the publication of the notice, and
- v) a statement of the actions that will be taken by the Department in the event that a hearing is not requested.

B) Any person who would be adversely affected by the issuance of the license may request a hearing. The request must be in writing and must contain a brief statement of the basis upon which the issuance of the license is being challenged. If the request is not submitted by the date specified in accordance with subsection (b)(2)(A), or if the request is submitted but later withdrawn, the Department shall issue the license in accordance with subsection (c).

C) If any hearing is requested in accordance with subsection (b)(2)(B), the parties to the hearing shall be the Department and the Respondent. The provisions of 32 Ill. Adm. Code 200.20, 200.40, 200.50, 200.80 through 200.140 and 200.160 through 200.230 shall be applicable to the hearing.

c) Upon a determination that an application meets all criteria of this Part, the Department shall issue a specific license authorizing the construction of the source material milling facility and any byproduct material surface impoundment and disposal area. Upon

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

completion of the construction in accordance with the license specifications, the Department shall authorize operations at the licensed site after verification of compliance with the license specifications.

d) The Department may incorporate in any license at the time of issuance, or thereafter by appropriate rule or order, additional requirements and conditions in order to:

- 1) Ensure compliance with the requirements of this Part;
- 2) Reduce potential hazard to public safety during operation;
- 3) Protect the environment; or
- 4) Prevent loss or theft of materials subject to this Part.

e) The Department may require reports, examine records and inspect activities under the license as necessary to demonstrate compliance with the requirements of this Part.

f) Throughout the construction and operating phases of the source material milling facility, a monitoring program shall be conducted by the licensee in order to:

- 1) Demonstrate compliance with the standards of this Part and 32 Ill. Adm. Code 310, 340, and 400;
- 2) Evaluate the performance of control systems and procedures;
- 3) Evaluate environmental impacts of operation; and
- 4) Detect potential long-term adverse effects.

g) The source material milling facility shall be designed and operated so that effluents and emissions are less than the exposure and concentration limits specified in 32 Ill. Adm. Code 340, Appendix A and in Section 332.170. The licensee shall limit emissions and exposures by using emission control devices. If the licensee cannot meet the requirements using emission control devices, then institutional controls, such as extended licensed site boundaries and buffer zones, may be used to ensure that limits of exposure and concentrations at the boundary of the restricted area will be met. The licensee shall submit to the Department proposed operation procedures and shutdown procedures as evidence that the requirements specified in 32 Ill. Adm. Code 340 will be met.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

Section 332.110 General Conditions of Licenses

- a) The licensee shall be subject to the provisions of the Radiation Protection Act (the Act) (111. Rev. Stat. 1987, ch. 111½, pars. 211 et seq.) and to all rules, regulations, and orders of the Department. The terms and conditions of the license are subject to amendment, revision, or modification, by reason of amendments to, or by reason of regulations and orders issued in accordance with the terms of the Act.
- b) Each person licensed by the Department pursuant to the regulations of this Part shall confine possession and use of materials to the locations and purposes authorized in the license.
- c) The licensee shall not process any ore or place any byproduct material in any surface impoundment or disposal area until the Department has inspected it and, based on the results of the inspection, has determined that it conforms to the description, design, and construction described in the application for the license.
- d) No license issued under this Part, or any right thereunder, may be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Department finds, after securing information, that the transfer is in accordance with the provisions of the Act and gives its consent in writing in the form of a license amendment.
- e) The authority to receive and process ores and to place byproduct material within any surface impoundment and disposal area expires on the date stated in the license. Any expiration date on a license applies only to the receipt and processing of ores and the emplacement of byproduct material. Failure to renew the license shall not relieve the licensee of responsibility for implementing reclamation, decontamination, stabilization and closure, postclosure observation and maintenance, and transfer of the license to the ultimate governmental owner.
- f) The license will terminate only on the full implementation of the final closure plan as approved by the Department, including postclosure observation and maintenance, and meeting the requirements of Section 332.140.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

g) Notification of Bankruptcy:

- 1) The licensee shall notify the Department, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:
 - A) The licensee;
 - B) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or
 - C) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.
 - 2) This notification must indicate:
 - A) The bankruptcy court in which the petition for bankruptcy was filed; and
 - B) the date of the filing of the petition.
 - h) The licensee shall submit written statements, as requested by the Department at any time before termination of the license, to enable the Department to determine whether the license should be modified, suspended, or revoked.
- Section 332.120 Application for Renewal or Closure
- a) An application for renewal or an application for closure under Section 332.130 shall be filed at least 1 year prior to license expiration.
 - b) Applications for renewal of a license shall be filed in accordance with Sections 332.40 through 332.90. All applications for closure shall be filed in accordance with Section 332.130. Information contained in previous applications, statements, or reports filed with the Department under the license may be incorporated by reference.
 - c) In any case in which a licensee has filed an application in proper form for renewal of a license, the license does not expire until the Department has taken final action on the application for renewal.
 - d) In determining whether a license will be renewed, the Department will apply the criteria set forth in Section 332.100.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- e) Upon evaluation of an application to amend the license for closure submitted in accordance with Section 332.130, the Department shall issue an amendment to the license authorizing closure if the assessment of the application demonstrates that the technical criteria of Sections 332.200 through 332.240 will be met.

Section 332.130 Contents of Application for Site Closure and Stabilization

Prior to beginning final closure of the licensed site, or as otherwise directed by the Department, the licensee shall submit an application to amend the license for closure. The application for amendment shall include an updated closure plan.

AGENCY NOTE: Other circumstances which would cause the Department to direct the licensee to submit an application for closure include, but are not limited to, failure to meet the technical criteria of this Part, failure to post and maintain adequate financial surety, or failure to meet the requirements of the Act.

- a) Any additional geologic, hydrologic, or other data pertinent to the long-term containment of the emplaced byproduct material generated during the operational period.

- b) The results of tests, experiments, or any other analyses relating to any surface impoundment and disposal area, closure, waste migration, and interaction with byproduct material or any other tests, experiments, or analyses pertinent to the long-term containment of the emplaced byproduct material within the disposal site.

- c) Any proposed revision of plans for:

- 1) Decontamination and/or dismantlement of mill and surface impoundments;
- 2) Recontouring or backfilling of areas; or
- 3) Stabilization of the disposal area for postclosure care.

- d) Any information, not previously submitted to the Department, regarding the potential environmental impact of closure activities and long-term performance of the disposal site.

Section 332.140 Postclosure Observation and Maintenance

- a) The licensee shall observe, monitor, and maintain the licensed site until closure is complete and the license is terminated under the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

authorization of the Department in accordance with Section 332.150. The licensee shall be responsible for disposal site maintenance for 15 years after completion of closure. A longer time period for postclosure observation and maintenance will be required if the Department determines that the licensee has not designed and closed the disposal site in accordance with the closure plan specified in the license.

- b) During the postclosure period, the licensee shall conduct four disposal site inspections each year, once each season. Additional inspections shall be performed after each earthquake, which at the disposal site exceeds a level 6 on the Modified Mercalli Index, or flood, or abnormal change in climate, such as precipitation in excess of 10 times the seasonal average level. The results of the inspections, the monitoring data and the evaluation of the monitoring data shall be reported to the Department within 60 days after each inspection. The Department shall require more frequent disposal site inspections, if necessary to establish compliance with the requirements of Section 332.100, or if there has been unauthorized use of the disposal site.

Section 332.150 Termination of Source Material Milling Facility License

- a) Following closure and the period of postclosure observation and maintenance, the licensee may apply for termination of the license. The license shall be terminated when the Department finds:

- 1) That the closure of the licensed site has been made in conformance with the licensee's closure plan, as amended and approved as part of the license;
- 2) That the licensee has established that the technical criteria of this Part will be met;
- 3) That any long-term care funds and records are transferred to the federal or State agency that will assume institutional control of the disposal site;
- 4) That the postclosure monitoring program is ready for implementation by the federal or State agency;
- 5) That the federal or State agency that will assume responsibility for long-term care, observation, and maintenance of the disposal site is prepared to assume such responsibilities;
- 6) That permanent monuments or markers warning against intrusion have been installed;

- 7) That the U.S. Nuclear Regulatory Commission has made a determination of compliance with the decontamination, decommissioning, reclamation, and stabilization standards; and
- 8) That title to the byproduct material and to the disposal site has been transferred to the United States of America or the State.

b) In addition to satisfying requirements in subsection (a) above, the licensed site other than the disposal area, shall be decontaminated to the following limits prior to termination of the license:

- 1) Concentration of radionuclides in soil above background concentrations averaged over areas of 100 square meters, shall not exceed:

A) for total radium,

- i) 5 picocuries per gram of dry soil, averaged over the first 15 centimeters below the surface; and
- ii) 15 picocuries per gram of dry soil, averaged over layers of 15 centimeters thickness more than 15 centimeters below the surface; and

B) for radionuclides other than isotopes of radium,

- i) the concentration limits specified in 32 Ill. Adm. Code 340, Appendix A, Table II, Column 2, with units changed from microcuries per milliliter to microcuries per gram; and
- ii) where combinations of radionuclides are involved, the concentration limits shall not exceed those determined by calculating the sum of the ratios in accordance with the method described in 32 Ill. Adm. Code 340, Appendix A, Note 1.

- 2) The level of gamma radiation measured at a distance of 100 centimeters from the surface shall not exceed the background level by more than 20 microroentgens per hour.

- 3) Soil contamination levels with non-radioactive hazardous substances shall be less than the levels specified as contamination limits in other applicable State or federal regulations.

Section 332.160 General Requirements

Source material milling facilities, and byproduct material surface impoundments and disposal areas shall be sited, designed, operated, and controlled after closure so that exposures to individuals will be within the requirements established in the technical criteria in Sections 332.170, 332.180, 332.190 and 332.240.

Section 332.170 Protection of the General Population from Radiation

- a) At all times, concentrations of radioactive material, excluding radon, thoron, and their progeny, which may be released to the general environment in groundwater, surface water, air, soil, or other means shall not result in an annual dose equivalent commitment in excess of 25 millirem (0.25 mSv) to the whole body, 75 millirem (0.75 mSv) to the thyroid, and 25 millirem (0.25 mSv) to any other organ of any member of the public. Releases of radionuclides in effluents to the general environment shall be maintained as low as is reasonably achievable.

- b) During the operating life and facility decommissioning, the combined concentration of radon and thoron at the boundary of the licensed site, measured at a height of one meter from the surface, averaged annually, shall not exceed three picocuries per liter above the background concentration at the licensed site.

- c) The disposal area shall be designed so that after reclamation and stabilization, the annual total radon release rate through the cover from the byproduct material shall not exceed two picocuries per square meter per second. Furthermore, the direct gamma exposure rate from the byproduct material shall be reduced to background levels normal for areas in the vicinity.

Section 332.180 Protection of Individuals from Inadvertent Access

Design, operation, and closure of the source material milling and any byproduct material surface impoundment and disposal area shall protect any individual inadvertently entering onto the disposal site and occupying it at any time after active institutional controls over the disposal site are removed.

Section 332.190 Protection of Individuals During Operations

Operations at a licensed site shall be conducted in compliance with the standards for radiation protection established in 32 Ill. Adm. Code 340, except that releases of radionuclides in effluents from the licensed site shall be governed by Section 332.170. Every effort shall be made to maintain radiation exposures as low as is reasonably achievable.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

Section 332.200 Stability of the Byproduct Material Disposal Site After Closure

The disposal site shall be sited, designed, used, operated, stabilized and closed to achieve long-term stability and to eliminate the need for active maintenance following closure so that only surveillance, monitoring, or minor custodial care is required.

Section 332.210 Technical Criteria for Byproduct Material Disposal Sites - Siting Criteria

a) Byproduct material shall be disposed of in a manner that provides containment of the material by preventing disturbances and dispersion by natural forces, and by doing so without active maintenance. In evaluating a byproduct material disposal site, the Department shall consider:

- 1) Remoteness from populated areas;
 - 2) Hydrologic and other natural conditions as they contribute to continued immobilization and isolation of contaminants from groundwater sources; and
 - 3) Potential for minimizing erosion, disturbances, and dispersion by natural forces over the long term.
- b) The disposal site selection shall be an optimization, to the maximum extent achievable, of the features listed in subsection (a). At a minimum, however:
- 1) The disposal site shall not be within a distance of 2.5 km (1.5 miles) from the boundary of any municipality without the consent of the governing body of the municipality. The disposal area must incorporate a distance of at least 100 meters between any waste disposal unit and the control boundary;
 - 2) The tailings and waste disposal site shall not be located in a 100-year flood plain, as defined in the rules of the Illinois Department of Transportation, 92 Ill. Adm. Code 706, Subpart C;
 - 3) The characteristics of the disposal site shall allow prediction, analysis and monitoring of any migration of effluents, e.g., the site geology must be simple enough to allow reliable hydrological modeling;
 - 4) The depth to the water table at the disposal site shall not permit groundwater intrusion, perennial or otherwise, into the waste;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- 5) The natural characteristics of the disposal site such as hydrology, geology, and topography shall contribute to continued immobilization and containment, and shall ensure that waste will be contained within the disposal site boundary for a period of at least 1,000 years after the decommissioning;
 - 6) The disposal site shall not be located where other facilities, activities or land uses could adversely impact the ability of the site to meet the technical criteria of this Part, or mask the environmental impacts of the disposal area;
 - 7) The disposal area structure shall not be located above a geologic fault system. The disposal site geology must be stable, i.e., mass wasting, erosion, slumping, or land sliding shall not adversely affect the long-term containment.
 - 8) The disposal area shall not be located near a capable fault that could cause a maximum credible earthquake larger than that which the disposal area could reasonably be expected to withstand. As used in this Part, the term "capable fault" has the same meaning as defined in Section III(g) of Appendix A of 10 CFR 100, in effect on January 1, 1988, exclusive of subsequent amendments or editions. The term "maximum credible earthquake" means that earthquake which would cause the maximum vibratory ground motion based upon an evaluation of earthquake potential considering the regional and local geology and seismology and specific characteristics of local subsurface material.
- c) When evaluating disposal sites, the Department shall place emphasis on containment of byproduct material, a matter having long-term impacts, as opposed to consideration only of short-term convenience, impacts or benefits. While containment of byproduct material will be a function of both site and engineering design, major consideration shall be given to siting features that pertain to the long-term nature of the hazards.

- d) To avoid the proliferation of small byproduct material disposal sites and reduce perpetual surveillance obligations, byproduct material from in-situ extraction operations, such as residues from solution evaporation or contaminated control processes, and wastes from small remote aboveground extraction operations shall be disposed of at existing large byproduct material disposal sites; unless, considering the nature of the wastes, such as their volume and specific activity, and the cost and environmental impacts of transporting the wastes to large disposal sites, such off-site disposal is demonstrated to be impracticable or the advantages of onsite burial clearly outweigh the benefits of reducing the perpetual surveillance obligations.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

Section 332.220 Technical Criteria for Byproduct Material Disposal Sites - Design Criteria

- a) When submitting a proposed method of disposal for evaluation by the Department, the licensee shall either:

- 1) Submit to the Department a plan describing how the licensee will dispose of byproduct material and contaminants below grade; or

AGENCY NOTE: The Department presumes that disposal of tailings by placement below grade, either in mines or in excavated pits, is the method of disposal which best furthers the objective of containment of byproduct material and contaminants without requiring active maintenance. However, below grade disposal is not the most environmentally sound approach if a groundwater formation is relatively close to the surface or not very well isolated by overlying soils and rock. Geologic and topographic conditions might make full below grade disposal impracticable.

- 2) Submit to the Department data which supports the licensee's conclusion that disposal below grade is not the most environmentally sound approach, as well as a description of the licensee's alternative method for tailings disposal. The alternative method shall provide for excavation to the greatest degree achievable, given the geologic and hydrologic conditions at the site, so that the size of retention structures, and the steepness of slopes of associated exposed embankments shall be minimized. The licensee shall also demonstrate that its proposed above grade disposal program will provide containment of the byproduct material equivalent or superior to that which would be achieved from below grade disposal.

- b) Disposal site surfaces

- 1) Embankment and cover slopes shall be relatively flat after final stabilization to minimize the potential for erosion and to provide conservative factors of safety assuring long-term stability. Final slopes shall be contoured to grades that are as close as possible to those which would be provided if byproduct material were disposed of below grade. Slopes shall not be steeper than 10 horizontal to 1 vertical.
- 2) All disposal site surfaces shall be contoured to avoid areas of concentrated surface runoff or abrupt or sharp changes in slope. In addition to rock cover on slopes, areas toward which surface runoff might be directed shall be well protected with rock cover or rip rap.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- c) The disposal site and area, where feasible, shall be designed to incorporate features which will promote deposition. For example, design features which promote deposition of sediment suspended in any runoff which flows into the disposal area might be utilized; the object of such a design feature would be to enhance the thickness of cover over time.
- d) The disposal site shall be designed so that the upstream rainfall catchment does not increase surface erosion or flooding of the disposal site.
- e) A full self-sustaining vegetative cover shall be established or rock cover employed to control wind and water erosion. However, rock covering of slopes is unnecessary where:
- 1) top covers are very thick (on the order of 10m or greater);
 - 2) impoundment slopes are very gentle (on the order of 10 horizontal: 1 vertical or less);
 - 3) bulk cover materials have inherently favorable erosion resistance characteristics;
 - 4) there is negligible drainage catchment area upstream of the disposal site; and
 - 5) the topographic features of the disposal site provide wind protection.
- f) Where rock cover is employed, in order to avoid displacement of rock particles by human and animal traffic, root invasion, or by natural process, and to preclude undercutting and piping, the following factors shall be accounted for in the rock cover design:
- 1) Shape, size, composition, and gradation of rock particles. Except for bedding material average particle size shall be at least cobble size or greater;
 - 2) Rock cover thickness and zoning of particles by size;
 - 3) Steepness of underlying slopes; and
 - 4) Individual rock fragments shall be dense, sound, and resistant to abrasion, and shall be free from cracks, seams, and other defects that would tend to unduly increase their destruction by water and frost actions. Weak, friable, or laminated aggregate shall not be used.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- g) All disposal site surfaces must be contoured to avoid areas of concentrated surface runoff or abrupt or sharp changes in slope gradient. In addition to rock cover on slopes, areas toward which surface runoff might be directed must be protected with rock cover (rip rap). Overall stability, erosion potential, and geomorphology of surrounding terrain must be evaluated to assure that there are not ongoing or potential processes, such as gully erosion, which would lead to disposal area instability.

Section 332.230 Technical Criteria for Byproduct Material Disposal Sites - Groundwater Protection

- a) In order to provide adequate protection of groundwater resources, the disposal site shall be designed and constructed to conform with the requirements of Criterion 5 of 10 CFR 40, Appendix A, in effect on January 1, 1988, exclusive of subsequent amendments or editions. Criterion 13 of 10 CFR 40, Appendix A, in effect on January 1, 1988, identifies the constituents for which standards shall be set or complied with if the specific constituent is expected to be in or derived from the byproduct material and has been detected in groundwater.
- b) The licensee shall establish a detection monitoring program needed for the Department to set the site-specific groundwater protection standards in subsection (a) above. The licensee or applicant shall propose for Department approval as license conditions which constituents are to be monitored on a site-specific basis. A detection monitoring program shall be designed and implemented to accomplish two purposes. The program shall be designed and implemented to detect leakage of the hazardous constituents for the disposal area so that the need to set groundwater protection standards is monitored. If leakage is detected, the program shall be designed and implemented to generate data and information needed for the Department to establish the standards under subsection (a) above. The date and information shall provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the Department to set the limits for those constituents and the compliance period. The data and information shall also provide the basis for adjustments to the point of compliance, if necessary.
- c) Once groundwater protection standards have been established pursuant to subsection (a), the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in groundwater continue to comply with the standards set by the Department. In conjunction with a corrective action

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this subsection may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

Section 332.240 Technical Criteria for Byproduct Material Disposal Sites - Control of Radiation Hazards

- a) Licensees shall place an earthen cover over byproduct material at the end of source material milling operations and shall close the disposal site in accordance with a design which assures compliance with the requirements specified in Section 332.170(c) for a period of 1,000 years. Monitoring for total radon after installation of an appropriately designed cover is not required. Total radon emissions from cover material shall be estimated as part of developing a closure plan. The standard for total radon release rate specified in Section 332.170(c), however, applies only to emissions from byproduct material. In computing required byproduct material area cover thicknesses, average moisture in the cover shall be determined from similar soils and under similar circumstances. The effects of any synthetic layer shall not be taken into account in determining the calculated total radon release rate. If material other than soil is proposed as cover material, it shall be demonstrated that such material will not crack or degrade by differential settlement, weathering, or other mechanism, over long-term time intervals. Near surface cover material within the top three meters shall not include byproduct material or rock that contains elevated levels of radium; soils used for near surface cover shall be essentially the same, as far as radioactivity is concerned, as that of surrounding surface soils.
- b) The licensee shall ensure that disposal sites are closed in a manner that assures no active maintenance will be required. The licensee shall address the nonradiological hazards associated with the wastes in planning and implementing closure. To the extent necessary to prevent threats to human health and the environment, the licensee shall control or eliminate postclosure escape of nonradiological hazardous constituents, leachate, contaminated rainwater, or waste decomposition products to groundwater, surface water or to the atmosphere.

Section 332.250 Technical Criteria - Source Material Milling Operations

- a) Liquids resulting from any of the mill processes shall not be released into surface streams. In addition, contaminated solutions, other than liquids resulting from any of the mill processes, shall not be released into the environment if the solutions have radionuclide concentrations in excess of those specified in 32 Ill. Adm. Code 340, Appendix A, Table II, Column 2.
- b) Byproduct material shall be chemically and physically treated to immobilize or remove the contaminants.
- c) An independent quality assurance program shall be established to assure that specifications of the monitoring program detailed in the license are met. If adverse groundwater impacts or conditions conducive to adverse groundwater impacts occur, action shall be taken to alleviate the impacts or conditions and restore groundwater quality to levels consistent with those before operations began.
- d) Source material milling operations shall be conducted so that all airborne effluent releases are reduced to levels as low as is reasonably achievable. Emissions controls shall be used. Institutional controls, such as extending the licensed site boundary and exclusion area, may be employed to ensure that offsite exposure limits are met, but only after all practicable measures have been taken to control emissions at the source. Notwithstanding the existence of individual dose standards, strict control of emissions is necessary to assure that population exposures are reduced to the maximum extent reasonably achievable and to avoid contamination. During operations and prior to closure, radiation doses from radon emissions from surface impoundments and disposal areas containing byproduct material shall be kept as low as is reasonably achievable. Checks shall be made and logged hourly of all parameters which determine the efficiency of product stack emission control equipment operation. It shall be determined whether or not conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency. Corrective action must be taken when performance is outside of prescribed ranges. Effluent control devices must be operative at all times during drying and packaging conditions and whenever air is exhausting from the product stack. Drying and packaging operations shall terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions shall be taken to restore parameters to the prescribed range. When this cannot be done without shutdown and repairs, drying and packaging

operations shall cease as soon as practicable. Operations shall not be restarted after cessation due to abnormal performance until needed corrective actions have been identified and implemented. All such cessations, corrective actions, and restarts shall be reported to the Department, in writing, within ten (10) days of the subsequent restart. To control dusting from diffuse source, operators shall develop written operating procedures specifying the methods of control which will be used.

- e) To control fugitive dust from tailings, all surfaces not covered by standing liquids shall be wetted or chemically stabilized. For licenses initially granted after the effective date of this Part, management of tailings shall incorporate phased-in surface stabilization and reclamation.
- f) Byproduct material shall be managed so as to conform to the applicable provisions of 40 CFR 440, "Ore Mining and Dressing Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards, Subpart C, Uranium, Radium, and Vanadium Ores Subcategory," in effect on January 1, 1983, exclusive of subsequent amendments or editions.
- g) Licensees and applicants shall satisfy the requirements of 40 CFR 61, in effect on July 1, 1988, exclusive of subsequent amendments or editions.
- h) Inspection of the byproduct material impoundments and disposal areas:
 - 1) The licensee shall conduct daily inspections of any surface impoundment and disposal site and document the results of the inspections. Records of the inspections shall be maintained for review by the Department for 5 years.
 - 2) The licensee shall notify the Department within 2 hours by telephone and then within 48 hours by written report of any failure of a byproduct material surface impoundment or disposal area which results in a release of byproduct material into unrestricted areas. The licensee shall notify the Department, in writing, within 5 working days of any condition which was not anticipated in the design of the byproduct material surface impoundment or disposal area and, if not corrected, could cause failure of embankments or other structures containing the byproduct material and the release of byproduct material into unrestricted areas.

- 3) In cases of failure of the byproduct material impoundment, the report shall be maintained for transfer to the governmental agency to which the title of the facility will be transferred.

Section 332.260 Financial Surety Requirements

- a) The license applicant shall establish financial surety arrangements, prior to the Department authorization of commencement of operations, to assure the availability of sufficient funds for decontaminating, decommissioning and reclaiming the source material milling facility and licensed site as well as the stabilization, long-term care and maintenance of byproduct material disposal site.
- b) An acceptable surety arrangement may consist of cash or negotiable securities deposited with the Department, irrevocable assignments of savings or certificates of deposit, or the deposit of an instrument executed by the applicant or licensee and a corporate surety or financial institution with the Department designated as the beneficiary. However, self insurance, or any arrangement which essentially constitutes self insurance (e.g., a contract with a State or federal agency) will not satisfy the surety requirement since this provides no additional assurance other than that which already exists through license requirements. The value of the deposit shall be equal to or greater than the amount of the surety required by subsection (c). Any surety arrangement must be available in Illinois subject to judicial process and execution in the event required for the purposes set forth in this Part, and continuous for the term of the license.

- c) The amount of funds to be ensured by such surety arrangements shall be greater than or equal to the Department approved cost estimates for:

- 1) decontamination, decommissioning, restoration, and reclamation of buildings and the licensed site;
- 2) stabilization of the disposal area; and
- 3) the requirements of Section 332.270 for long-term care, maintenance and control.

- d) Surety arrangements shall include provisions for long-term care and maintenance and control required by the Department at Section 332.270. In establishing specific surety arrangements, the applicant's or licensee's cost estimates shall take into account the

total costs that would be incurred if an independent contractor were hired to perform the work. These total costs shall not be less than the sum of the cost of decontamination, restoration, and reclamation of buildings and the licensed site that have been or are reasonably expected to be contaminated before the next annual review.

- e) To avoid duplication and expense, the Department will accept surety arrangements that have been consolidated with surety arrangements established to meet requirements of other agencies in Illinois for decontamination, reclamation, restoration, and disposal, if the applicant demonstrates, in writing, that such surety provides the same or a greater degree of protection for the licensed site, provided that such arrangements are adequate to satisfy these requirements and that the portion of the surety which covers the decommissioning, decontamination, reclamation, and stabilization of the site, and the long-term care fund is specifically identified and committed for use in accomplishing these activities.

- f) The applicant's or licensee's surety arrangements will be reviewed annually by the Department to assure that sufficient funds will be available for completion of the reclamation plan if the work was to be performed by an independent contractor. The amount of surety shall be adjusted to recognize any increases or decreases resulting from inflation, changes in engineering plans, activities performed, and any other conditions affecting costs. Regardless of whether reclamation is phased through the life of the operation or takes place at the end of operations, a portion of the surety shall be retained until final compliance with the closure plan is determined by the Department. Proof of forfeiture shall not be necessary to collect the surety so that in the event that the licensee could not provide an acceptable replacement surety within the required time, the surety shall be automatically collected prior to its expiration.

- g) The term of the surety mechanism shall be open-ended, unless the licensee proposes another arrangement which provides an equivalent or greater level of assurance.

Section 332.270 Long-Term Care Fund

- a) Prior to termination of a source material milling or byproduct material license, a minimum fund of \$250,000 (1978 dollars) to cover the cost of long-term care, observation and maintenance shall be established by the licensee. If title and custody to land and byproduct material are transferred to the State, the fund shall be established in the State agency assuming custody. If title and

custody are transferred to a federal agency, the fund shall be deposited in the general treasury of the United States.

- b) If the cost of long-term care monitoring and maintenance is determined on the basis of a site specific evaluation, to be greater than \$50,000 (1978 dollars), variance in the funding requirements shall be specified by the Department. The total amount of the fund must be such that with an assumed 1 percent annual real interest rate, the collected funds will yield interest in an amount sufficient to cover the annual costs of long-term care, observation and maintenance. The minimum funding requirement will be adjusted annually prior to actual payment to recognize inflation. The inflation rate to be used is that indicated by the change in the Consumer Price Index published by the U.S. Department of Labor, Bureau of Labor Statistics.

Section 332.280 Land Ownership

- a) These requirements relating to ownership of byproduct material, mineral rights, disposal sites and buffer zone apply to all licenses terminated, issued, or renewed after the effective date of this Part.

- b) Unless exempted by NRC, title to land (including any affected interests therein) which is used for the disposal of byproduct material, and the buffer zone and the title to byproduct material shall be transferred to the United States of America or the State of Illinois, at the State's option, prior to the termination of the license. The applicant or licensee shall attempt to obtain ownership of severable subsurface interests and rights, and shall, in the event that certain rights cannot be obtained, provide notification in local public land records of the fact that the land is being used for the disposal of radioactive material and that disruption and disturbance of the radioactive material without a license is prohibited.

- c) The use of the surface or subsurface estates, or both, of the lands transferred to the State or to the United States of America is prohibited unless the NRC determines by order that such use will not endanger the public health, safety, welfare, or environment. The person who transferred such lands to the State or to the United States of America shall have the right of first refusal with respect to such use of such lands.

- d) Byproduct material and land transferred to the United States of America or the State in accordance with this section shall be transferred without cost to the United States of America or the State other than administrative and legal costs incurred in carrying out such transfer.

- e) The provisions of this section respecting transfer of title and custody to land and byproduct material do not apply in the case of lands held in trust by the United States of America for any Indian tribe or lands owned by such Indian tribe subject to a restriction against alienation imposed by the United States of America. Where such lands are used for the disposal of byproduct material, the licensee shall enter into arrangements with the NRC as may be appropriate to assure the long-term care and maintenance of such lands by the United States of America.
- f) In the event that title to the property and byproduct material is transferred to the United States government as required by subsection (b) above, the surety funds collected by the Department will be transferred to the United States government.
- g) Any source material milling license must contain such terms and conditions as the Department determines necessary to assure that prior to termination of the license, the licensee will comply with ownership requirements of this section for areas used for buffer zone and byproduct material disposal.

Section 332.290 Maintenance of Records, Reports, and Transfers

- a) Each licensee shall maintain any records and make any reports in connection with the license activities as may be required by the conditions of the license or by the rules, regulations, and orders of the Department.
- b) Records which are required to be maintained by regulation or by license conditions shall be maintained for a time period specified in the applicable regulation or license condition. If a record retention period is not otherwise specified, these records shall be maintained and transferred to the officials specified in subsection (d) below as a condition of license termination unless the Department otherwise authorizes their disposition.
- c) Records which shall be maintained pursuant to this Part may be the original, or a reproduced copy or microfilm if this reproduced copy or microfilm is capable of producing copy that is clear and legible at the end of the required retention period.
- d) Copies of records of the location and quantity of byproduct material contained in the disposal site shall be transferred upon license termination to the Department, the agency responsible for long-term

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

care, the U.S. Nuclear Regulatory Commission, the chief executive of the nearest municipality, the chief executive of the county in which the disposal site is located, the county zoning board or land development and planning agency, and the Governor.

- e) Each licensee shall file a copy of its financial report or a certified financial statement annually with the Department in order to update the information base for determining the continued financial qualifications of the licensee.
- f) Each licensee shall submit status reports to the Department. The reports shall be submitted within 60 days after January 1 and July 1 of each year and shall cover the previous 6 months of operation. The reports shall include:

- 1) Specification of the quantity of each of the radionuclides released to unrestricted areas in liquid and gaseous effluents;
- 2) The results of the environmental monitoring program;
- 3) The data shall be reported in a manner that will permit the Department to confirm the potential annual radiation doses to the public;
- 4) A summary of licensee survey and maintenance activities;
- 5) A summary of activities and quantities of licensed material processed, stored, transferred, or disposed of; and
- 6) Any instances in which observed site, facility, process, or equipment characteristics were significantly different from those described in the application for a license; and
- 7) If the quantities of radionuclides released are more than 25% greater than those anticipated in the license application, or if unanticipated maintenance is performed, a discussion of the cause of the release or the reason for the maintenance.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Application
- 2) Code Citation: 89 Ill. Adm. Code 557
- 3) Section Numbers: 557.10
Proposed Action: amendment
- 4) Statutory Authority: Sections 3(a), (b), (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a), (b), and (k))
- 5) A Complete Description of the Subjects and Issues Involved: This amendment is proposed to comply with an agreement made with the Joint Committee on Administrative Rules to more accurately define "client" for this Part.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): Not Applicable
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All persons who submit a written request to comment within fourteen (14) days after this notice has been published shall be given a reasonable opportunity to submit data, views, argument or comments about this rulemaking. All such submissions shall be made within forty-five (45) days after this notice has been published. Any comments submitted within forty-five (45) days after this notice has been published will be considered by the Department. All requests and comments should be submitted in writing to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- (2) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not effect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 557
APPLICATION

Section
557.10 General Applicability
557.20 Geographical Client Assignment
557.30 Application Required
557.40 Who May Sign

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a),(b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8755, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986, amended at 11 Reg. 15220, effective August 31, 1987; amended at 12 Ill. Reg. 12099, effective July 7, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 557.10 General Applicability

- a) Rules contained within this Part are applicable to all Department of Rehabilitation Services' (DORS) Vocational Rehabilitation (VR) clients.

- b) The term "client" means:

- 1) any person who is an applicant for services from DORS, or person receiving any services from DORS,
- 2) parent(s) of a minor,
- 3) guardian or legal custodian of the client, or
- 4) the representative of the client, as authorized in writing by the client.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: Background Checks

In Section 385.20 the definition of "child care facility" was amended to include a "multi-function agency," and the following definition was added:

2) Code Citation: 89 Ill. Adm. Code 385

3) Section Numbers: Adopted Action

385.20 Amendment

"Multi-function agency," as used in this Part, means an agency, association, or other organization which operates a child care facility, child welfare agency, or day care agency among other services not subject to licensure under the Child Care Act of 1969. A child care facility may consist of distinct unit(s), division(s), or department(s) of a multi-function agency."

385.30 Amendment

385.40 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 23, pars 2211 et seq.

5) Effective Date of Amendments: May 1, 1989

Subsection 385.30(c) was amended to explicitly require the Department to notify an individual that he or she has been identified as a perpetrator of child abuse or neglect prior to denying the individual employment or a license.

6) Does this rulemaking contain an automatic repeal date: Yes ☐ No ☒
If so, please specify date:

7) Do these amendments contain incorporations by reference? No
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?

Subsections 385.30(d) and (f) were revised to clarify that an individual seeking a review pursuant to the Part must request such review within ten days of receipt of written notice of the Department's intent to deny a license or the Department's or child care facility's intent to deny employment.

8) Date Filed in Agency's Principal Office: April 17, 1989

9) Notice(s) of Proposal Published in Illinois Register:

Subsection 385.40(a) was revised to define an adult member of the household as a person 18 years of age or older.

September 2, 1988, 12 Ill. Reg. 13744
(issue date)

In lieu of deleting Section 385.40(b), that section was revised to require that only those employees of a "multi-function agency" whose duties require that they be on the premises of a child care facility authorize the required background investigation.

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
If answer is "yes," please complete the following:

A) Statement of Objection: _____, Ill. Reg. _____
(issue date)

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

B) Agency Response: _____, Ill. Reg. _____
(issue date)

13) Will amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

C) Date Agency Response Submitted for Approval to JCAR:

Section Numbers Proposed Action Illinois Register Citation

11) Difference(s) between proposal and final version:

15) Summary and Purpose of Amendments: The amendments provide for due process procedures for those persons who would be adversely affected by provisions of the rules and clarify that persons who are adult members of households are covered by the rules as well as distinguishes persons who are employed by a "multi-function agency" who would be exempt from the rules because they were not on the premises of a child care facility.

In addition to correcting and updating statutory citations at the request of the Administrative Code Division, the following changes were made in response to public comment or discussion with the Joint Committee on Administrative Rules.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

- 16) Information and questions regarding amendments shall be directed to:

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
Telephone: 217/785-2592

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER d: LICENSING ADMINISTRATION

PART 385
BACKGROUND CHECKS

Section	Purpose
385.10	Definitions
385.20	Child Abuse or Child Neglect
385.30	Background Investigation
385.40	Disposition of Background Investigation
385.50	Records To Be Maintained
385.60	Severability of This Part

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1987, ch. 23, par. 2211 et seq.).

SOURCE: Emergency rules adopted at 10 Ill. Reg. 19123, effective October 29, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 6398, effective March 31, 1987; amended at 13 Ill. Reg. 5917, effective May 1, 1989.

Section 385.20 Definitions

"Child" means any person under 18 years of age.

"Child care facility" means any person, group of persons, agency, association or organization which arranges for care or cares for children unrelated to the operator of the facility, apart from the parents in any facility as defined in the Child Care Act of 1969. Child care facilities may be established for profit or not-for-profit. A child care facility may consist of distinct unit(s), division(s), or department(s) of a multi-function agency. "Child care facility" is further defined in Section 2.05 of the Child Care Act of 1969. As used in this Part, "child care facility" means any child care institution, maternity center, child welfare agency, day care center, day care agency, group home, foster family home or day care home as defined by the Child Care Act of 1969.

"Department" means the Illinois Department of Children and Family Services.

"Employee", as used in this Part, means any staff person employed by a child care facility, and includes any volunteer or work-study student used to replace or supplement staff in the direct care or supervision of children. This definition includes administrative,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

professional and other support staff.

"Governing body," as used in this Part, means the board of directors of a corporation; otherwise, the term means the owner(s) or other person(s), agency, association or organization legally responsible for the operation of the child care facility.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed.

"Licensing representative," for purposes of this Part, means Department staff authorized under the Child Care Act of 1969 to examine facilities for licensure.

"Multi-function agency," as used in this Part, means an agency, association, or other organization which operates a child care facility, child welfare agency, or day care agency among other services not subject to licensure under the Child Care Act of 1969. A child care facility may consist of distinct unit(s), division(s), or department(s) of a multi-function agency."

"Operator" means the person responsible for the day-to-day management of the child facility. If the governing body is a partnership, association, or corporation, "operator" means the chief executive officer or other persons serving in like capacity.

"Prospective employee" means an individual (including any volunteer or work-study student used to replace or supplement staff in the direct care or supervision of child(ren)) selected by the governing body or operator of a child care facility who has met the qualifications for his or her position with the exception of the background investigation required by this Part and a medical examination (if required by applicable licensing standards).

"State Central Register" means the child abuse and neglect data system maintained by the Department pursuant to the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1987, ch. 23, pars. 2051 et seq.)

(Source: Amended at 13 Ill. Reg. 5917, effective May 1, 1989)

Section 305.30 Child Abuse or Child Neglect

a) No individual may receive a license from the Department or be employed

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

by a child care facility licensed by the Department who has been determined to be a perpetrator of child abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1987, ch. 23, par. 2053) and who has been identified through circuit court (juvenile, criminal, civil) proceedings as having been a perpetrator of child abuse or neglect based on any one of the following:

- 1) Death
- 2) Brain damage or skull fracture
- 3) Subdural hematoma
- 4) Internal injuries
- 5) Wounds (gunshot, knife, or puncture)
- 6) Torture
- 7) Sexually transmitted diseases
- 8) Sexual penetration
- 9) Sexual molestation
- 10) Sexual exploitation
- 11) Failure to thrive
- 12) Malnutrition
- 13) Medical neglect of disabled infant

b) For purposes of this Section, identification through circuit court proceedings includes:

(1) specific findings by a court that a child's abuse, neglect or dependency is the result of abuse or neglect inflicted by a parent, guardian, legal custodian or other person responsible for the child's welfare (as defined in Section 3 of the Abused and Neglected Child Reporting Act.)

(2) criminal convictions and civil judgments regardless of the type of sentence imposed or amount of damages recovered for offenses relating to child abuse or child neglect resulting from jury trials, bench (court) trials or voluntary guilty pleas.

c) Prior to denying an individual a license or employment pursuant to subsection (a), the Department shall notify the individual that he or she has been identified as a perpetrator of child abuse or neglect as described in subsection (a) above, and the Department or child care facility, as applicable, shall provide the individual an opportunity to demonstrate that he or she is other--than not the individual identified in the court finding, criminal conviction or civil judgement.

d) An individual requesting an opportunity for review pursuant to subsection (c) above shall submit such request, in writing, to the Department or the child care facility, as applicable, within ten (10) days of receipt of written notice of the Department's intent to deny a license or the Department's or child care facility's intent to deny employment. The individual shall be notified, in writing, of the date, time and location of the review. The individual may be represented by counsel of his or her choice, and may present evidence and/or witnesses) on his or her own behalf. The individual shall be required to produce evidence that he or she is not the individual

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

identified in the court finding, criminal conviction or civil judgment the Department has relied upon in making the identification. Evidence to be considered shall be limited to:

- 1) Fingerprints processed through the U.S. Justice Department and the Illinois Department of State Police indicating an absence of a conviction arising from child abuse or neglect identified in subsection (a) above; or
- 2) Sworn statements from the law enforcement agency or clerk of the court upon whom the Department has relied for the identification, that the subject of the report provided to the Department is not the individual seeking licensure or employment.

de) Except as provided in subsection (a) above, a person determined to be the perpetrator of an indicated incident of abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act shall not automatically be denied a license from the Department or be denied employment in a child care facility licensed by the Department. Rather, the Department or the governing body, as applicable, shall provide the individual an opportunity to present evidence which demonstrates fitness for licensure or employment. Such evidence shall include, but not be limited to:

- 1) the nature of the abuse or neglect with which the individual was identified, including whether the abuse or neglect resulted in serious injury or death to a child or children;
- 2) the circumstances surrounding the commission of the abuse or neglect, including the age of the perpetrator and the child(ren), that would demonstrate unlikelihood of repetition;
- 3) the period of time that has elapsed since the abuse or neglect occurred and whether prior incidents of child abuse or child neglect have been indicated against the individual;
- 4) whether the abuse or neglect involved a single or multiple child victims;
- 5) the relationship of the incident of child abuse or neglect to the individual's current or prospective job responsibilities within the child care facility;
- 6) whether the individual has been convicted of a criminal offense which might have bearing on the individual's ability to function in a child care facility as licensee or employee;
- 7) evidence of rehabilitation such as employment, education, participation in therapy since the indicated incident(s) of abuse or neglect; and
- 8) character references.

f) An individual requesting an opportunity for review pursuant to subsection (e) above shall submit such request, in writing, to the Department or the child care facility, as applicable, within ten (10) days of receipt of written notice of the Department's intent to deny a license or the Department's or child care facility's intent to deny employment. The individual shall be notified, in writing, of the date, time and location of the review. The individual may be represented by counsel of his or her choice, and may present evidence

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

and/or witness(es) on his or her behalf.
g) In order for an individual to be considered fit for licensure or employment, the person(s) conducting the review must conclude that, when all the evidence presented pursuant to subsection (e) is considered, the individual is more fit for licensure or employment than not. The decision of a governing body regarding employment is final, subject to review under the personnel policies of the governing body. A decision of the Department regarding licensure is final, subject to review by a court of competent jurisdiction.

h) A written record shall be made of any review(s) conducted pursuant to this Section, and such record shall contain copies of all documents relied upon in making a denial determination of fitness for licensure or employment.

(Source: Amended at 13 Ill. Reg. 5917, effective May 1, 1989)

Section 385.40 Background Investigation

- a) Each operator of a child care facility as a condition of licensure, each member of the household in a family home, 18 years of age or older, and each employee and prospective employee of a child care facility as a condition of employment, shall authorize the Department to conduct a background check consisting of a search of the Child Abuse and Neglect Tracking System (CANTS) maintained by the State Central Register to determine whether the person has been indicated as a perpetrator of child abuse or child neglect.
- b) The authorization required by this Section shall be on a form prescribed by the Department and shall include:
 - 1) identifying information consisting of name, address, Social Security number, date of birth, height, weight, hair and eye color, previous names and addresses;
 - 2) authorization for the Department to release the results of the investigation to the governing body or employer.
- c) For purposes of this part only, employees who have been separated from the child care facility six months or longer for reasons other than vacation, sabbatical leave, sick leave or maternity leave shall no longer be considered current employees. Upon their return to active duty, such individuals shall be required to again authorize a background investigation pursuant to this Section.
- d) Employee(s) and prospective employee(s) of the governing body--or--the operator--or--the child--care--facility--located--other--than--on--the--premises--of--the--child--care--facility--are--exempt--from--the--requirements--of--this--Part--unless--their--duties--require--that--they--be--on--the--premises--of--the--child--care--facility--during--periods--in--which--children--are--present--a--multi--function--agency--otherwise--exempt--from--the--requirements--of--this--Part, but whose duties require that they be on the premises of a child care facility, shall authorize the background investigation required by this Part.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

- e) An individual who has authorized the background investigation required by this Part may be employed by a child care facility on a provisional or probationary basis pending the outcome of the required background investigation. The form authorizing such an investigation shall be forwarded to the Department immediately by the governing body or operator of the child care facility employing the individual. The Department shall complete the investigation required by this Part within ninety (90) days of receipt of the authorization.

(Source: Amended at 13 Ill. Reg. 5917, effective May 1, 1989)

ILLINOIS REGISTER

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Operating Procedures for the Administration of Federal Funds
- 2) Code Citation: 20 Ill. Adm. Code 1520
- 3) Section Numbers:

1520.10	<u>adopted Action:</u>
1520.46	Amendments
1520.50	New Section
	Amendments
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 38, pars. 210-1 et seq.
- 5) Effective Date of Amendments: April 17, 1989
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain an incorporation by reference? No.
- 8) Date Filed in Agency's Principal Office: April 7, 1989
- 9) Notice of Proposed Amendments Published in Register: February 3, 1989; 13 Ill. Reg. 1317
- 10) Has JCAR issued a Statement of Objection to these Amendments: No.
- 11) Differences between proposed and final version:

Updated all statutory citations in the Authority note and throughout the text of the rulemaking to reflect the 1987 edition of the Illinois Revised Statutes.

In the main source note, the term "Rules" was placed in all lower case.

In the main source note, inserted "emergency expired September 26, 1987;" after "150 days".

In Section 1520.10(a), changed "these rules" to "this Part".

In section 1520.10(b), the term "Rules" was placed in all lower case.

In Section 1520.46, deleted the period at the end of the

heading.

In Section 1520.46(e), deleted the statutory citation for the Open Meetings Act.

In Section 1520.50(a), deleted the comma from the Federal Register citation.

In Section 1520.50(a), the word "and" was deleted before "the Program Guidelines" and "and the Program Guidelines for the Drug Control and System Improvement Formula Grant Program (53 FR 52244 et seq., effective December 27, 1988)" was added after "(50 FR 43011 et seq., effective October 23, 1985)".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary to resolve Joint Committee questions concerning this rulemaking.

13) Will these amendments replace Emergency Amendments Currently in Effect? Yes.

14) Are there any Amendments pending on this part? No.

15) Summary and Purpose of Amendments: These rules establish operating procedures for the application, receipt and administration of funds under the federal Anti-Drug Abuse Act of 1988 (P.L. 100-690), and for appeals taken therefrom.

16) Information and questions regarding these adopted amendments shall be directed to:

Robert P. Boehmer
Legal Advisor
Illinois Criminal Justice Information Authority
120 South Riverside Plaza
Chicago, Illinois 60606
(312/793-8550)

The full text of the adopted amendments begins on the next page:

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

PART 1520

OPERATING PROCEDURES FOR THE ADMINISTRATION OF FEDERAL FUNDS

Section	
1520.10	Purpose and Authorization
1520.20	Definitions
1520.30	Application and Receipt of Justice Assistance Act of 1984 Funds
1520.40	Application and Receipt of Victims of Crime Act of 1984 Funds
1520.45	Application and Receipt of State and Local Law Enforcement Assistance Act of 1986 Funds
1520.46	Application and Receipt of Anti-Drug Abuse Act of 1988 Funds
1520.50	Administration of Federal Funds
1520.60	Appeals

AUTHORITY: Implementing and authorized by the Illinois Criminal Justice Information Act (Ill. Rev. Stat. 1985, ch. 38, pars. 210-1 et seq.)

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15548, effective September 30, 1985; new rules adopted at 10 Ill. Reg. 10546, effective June 3, 1986; emergency amendments at 11 Ill. Reg. 9626, effective April 29, 1987, for a maximum of 150 days; emergency expired September 26, 1987; amended at 12 Ill. Reg. 8649, effective May 9, 1988; emergency amendments at 13 Ill. Reg. 1605, effective January 24, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 5926, effective April 17, 1989.

NOTE: Capitalization denotes statutory language.

Section 1520.10 Purpose and Authorization

- a) The Illinois Criminal Justice Information Authority (Authority) establishes ~~these rules~~ this Part to exercise its responsibility TO APPLY FOR, RECEIVE, ESTABLISH PRIORITIES FOR, ALLOCATE, DISBURSE AND SPEND GRANT FUNDS THAT ARE MADE AVAILABLE BY...THE UNITED STATES PURSUANT TO THE FEDERAL CRIME CONTROL ACT OF 1973 (P.L. 93-83), AS AMENDED, AND SIMILAR FEDERAL LEGISLATION, AND TO ENTER INTO AGREEMENTS WITH THE UNITED STATES GOVERNMENT TO FURTHER THE PURPOSES OF THE ACT, OR AS MAY BE REQUIRED

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

AS A CONDITION OF OBTAINING FEDERAL FUNDS,.... (Ill. Rev. Stat. 1985 1987, ch. 38, par. 210-7(k)).

- b) Pursuant to the Organizational Rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340), the Budget Committee has the duty to oversee the grant award procedures of the Authority. Pursuant to a motion passed by the Authority on December 10, 1984, this duty was specifically deemed to include responsibility for establishing grant award procedures, submission of the Applications for funds and oversight of the grant award procedures for both Justice Assistance Act of 1984 (P.L. 98-473, effective October 12, 1984), and Victims of Crime Act of 1984 (P.L. 98-473, effective October 12, 1984). Funds and pursuant to a motion passed by the Authority on December 9, 1986, this duty was extended to include State and Local Law Enforcement Assistance Act (P.L. 99-570, effective October 27, 1986) funds, and Anti-Drug Abuse Act of 1988 (P.L. 100-690, effective November 18, 1988) funds.

(Source: Amended at 13 Ill. Reg. 5926, effective April 17, 1989)

Section 1520.46 Application and Receipt of Anti-Drug Abuse Act of 1988 Funds

- a) The Authority will annually review Section 501 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690, effective November 18, 1988) and based on the need for services to enforce state and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et. seq.) and to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders, the services available to address that need, and oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, par. 41 et seq.), select program funding priorities for each federal fiscal year. Such funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).

- b) Federal funds made available to the State of Illinois through the Anti-Drug Abuse Act of 1988 shall be

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

distributed to State agencies and units of local government. In distributing funds among urban, rural and suburban units of local government and combinations thereof, the Authority shall give priority to those jurisdictions with the greatest need. Based on the funding priorities selected by the Authority pursuant to subsection (a) above, the Executive Director shall use the following evaluation criteria to identify those State agencies and units of local government eligible for the receipt of federal funds:

- 1) analysis of need as evidenced by demographic and criminal justice data;
- 2) comments from the public and state and local officials;
- 3) information (including but not limited to drug activity information, arrests, prosecutions, drug types, prior experience with grants and current efforts regarding drug enforcement) indicating the likelihood that a State agency or unit of local government will achieve the desired objectives of the Anti-Drug Abuse Act of 1988;
- 4) drug law enforcement and violent crime information, including arrests, prosecutions, convictions, recidivism, (percentages as well as gross numbers), overdose, information provided to police by citizens, and treatment information such as admissions to programs; and
- 5) current research findings.

- c) A unit of local government or State agency, so identified pursuant to subsection (b) above, shall be contacted by the Executive Director to assess its interest in and ability to qualify for the receipt of federal funds pursuant to the requirements of the Anti-Drug Abuse Act of 1988 and, if so interested and so qualified, to prepare a description of programs or services that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the unit of local government or State agency proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of the above-mentioned funds, the Executive Director shall consider resolutions from county and municipal boards and written

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

assurance from these boards of their ability to obtain the required matching money.

- d) A unit of local government or state agency not so contacted by the Executive Director pursuant to subsection (c) shall, however, upon written request to the Executive Director, be included among those units of local government or state agencies evaluated by the Executive Director pursuant to the criteria established in subsection (b) above. Such written request shall include a description of programs or services that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the unit of local government or state agency proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for federal funds pursuant to the Anti-Drug Abuse Act of 1988, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching money. If the Executive Director determines that the unit of local government or state agency is not so eligible or so qualified, the Executive Director shall notify the unit of local government or state agency, within 45 days of receipt of the written request, that it will not be recommended for funding and the reasons for such recommendation. The unit of local government or state agency may submit a written request for reconsideration to the Chairman of the Budget Committee within 28 days from receiving notice from the Executive Director. The written request for reconsideration shall include the reasons for requesting reconsideration by the Budget Committee.

- e) The Budget Committee shall, at a public meeting conducted pursuant to the Open Meetings Act, designate programs or projects, implementing agencies, and amounts for funding which address one or more of the program priorities specified by the Authority in subsection (a) above, consistent with the Anti-Drug Abuse Act of 1988. The Budget Committee's decision to designate these programs or services, implementing agencies and fund amounts shall be based upon equal consideration of the following factors:

- 1) the recommendations of the Executive Director made pursuant to subsection (b) above and written requests for reconsideration made pursuant to

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

subsection (d) above;

- 2) comments from the public and state and local officials;
- 3) the proven effectiveness of a program, by making a prudent assessment of the problem to be addressed by a proposed program;
- 4) the likelihood that a program will achieve the desired objectives, by making a prudent assessment of the concepts and implementation plans included in a proposed program and by the results of any evaluations of previous tests, demonstrations or similar programs;
- 5) the availability of funds; and
- 6) the overall cost of the program or services.
- f) Pursuant to Section 503 of the Anti-Drug Abuse Act of 1988, the Application to the Bureau of Justice Assistance shall include a statewide strategy for drug and violent crime control programs which improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime and serious offenders, and those certifications and assurances listed in Section 503 of the Anti-Drug Abuse Act of 1988.

- g) Upon notification by the Bureau of Justice Assistance that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee pursuant to subsection (e) above, specifying the terms and conditions under which the programs or projects are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the agreement, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, audit procedures

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

as described in the federal laws and regulations listed in Section 1520.50(a), and the status of the implementing agency as an independent contractor.

(Source: Added at 13 Ill. Reg. 5926, effective April 17, 1989)

Section 1520.50 Administration of Federal Funds

- a) All implementing agencies shall operate in conformance with the following state and federal laws, rules, regulations and guidelines, when applicable, hereby incorporated by reference: the Justice Assistance Act of 1984; the Victims of Crime Act of 1984; the State and Local Law Enforcement Assistance Act of 1986; the Anti-Drug Abuse Act of 1988; the Office of Justice Programs, Financial and Administrative Guide for Grants, M7100.1C (November 1, 1985); the Office of Management and Budget Circular A-128 (50 FR 19114, effective April 12, 1985); the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1985 1987, ch. 127, pars. 2301 et seq.); the Illinois Purchasing Act (Ill. Rev. Stat. 1985 1987, ch. 127, pars. 132 et seq.); the State Comptroller Act (Ill. Rev. Stat. 1985 1987, ch. 15, pars. 201 et seq.); the U.S. Department of Justice, Bureau of Justice Assistance, Rules for Criminal Justice Block Grants (28 CFR 33.1 et seq., effective May 30, 1985); the U.S. Department of Justice Regulations Governing Criminal History Record Information Systems (28 CFR 20.1 et seq., effective December 6, 1977); the U.S. Department of Justice Regulations Governing the Confidentiality of Identifiable Research and Statistical Information (28 CFR 22.1 et seq., effective December 15, 1976); and the Program Guidelines for Crime Victims Assistance Grants, Office of Justice Programs (50 FR 43011 et seq., effective October 23, 1985) and the Program Guidelines for the Drug Control and System Improvement Formula Grant Program (53 FR 5244 et seq., effective December 27, 1988). The laws, rules, regulations and guidelines incorporated by reference in this subsection do not include any subsequent amendments or editions. The Authority shall maintain a copy of said incorporated materials and shall make them available for public inspection or copying upon request at no more than cost.

- b) Notwithstanding subsection (c) below, the Executive Director shall suspend performance of any interagency

agreement for a period not to exceed 28 days where there has been a determination of nonconformance with any state or federal statute or regulation, such rules, regulations and guidelines specified in subsection (a) above, or the terms or conditions of the agreement. The Executive Director shall reinstate performance of an agreement that has been so suspended if the nonconformance is corrected within twenty-eight (28) days from the date of suspension. However, notwithstanding subsection (c) below, an interagency agreement, for which performance has been suspended, shall be terminated by the Executive Director if performance of the interagency agreement is not reinstated within twenty-eight (28) days from its suspension. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five (5) working days.

c)

Upon the request of an implementing agency, the Executive Director shall extend the length of time performance of an interagency agreement may be suspended beyond twenty-eight (28) days for an additional period not to exceed fourteen (14) days, if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Such an extension shall be granted by the Executive Director only with the consent of the chairman of the Budget Committee or, in the event that the chairman of the Budget Committee is unavailable for consultation, the Chairman of the Authority. Such consent shall be granted if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Since an extension granted by the Executive Director pursuant to this subsection is initiated by the implementing agency, it shall not be deemed an adverse action under these rules. However, an interagency agreement, for which the period of suspended performance has been extended pursuant to this subsection, shall be terminated by the Executive Director if performance of the interagency agreement has not been reinstated by the Executive Director before the extension period has expired. Such termination may then be appealed as provided by Section 1520.60. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Budget Committee as soon as possible, but within five (5) working days.

d) The Executive Director shall immediately terminate any interagency agreement for any reason of nonconformance specified in subsection (b) above, if performance of the agreement has been suspended on at least one prior occasion or if such nonconformance cannot be corrected by the implementing agency in less than twenty-eight (28) days from the date of termination. Written notice of such termination by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five (5) working days.

e) The Executive Director shall approve any revision to an interagency agreement if such action is necessary to fulfill the terms of the agreement. Material revisions shall be reported to the Budget Committee members at or before the next Budget Committee meeting. However, if a request by an implementing agency for a material revision to an interagency agreement is denied by the Executive Director, written notice of such denial shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five (5) working days.

(Source: Amended at 13 Ill. Reg. 5926, effective April 17, 1989)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Disqualifying Income and Reduced Benefits

2) Code Citation: 56 Ill. Adm. Code 2920

3) Section Number: Adopted Action:
2920.68 New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, pars. 344, 345, 349, 370, 401, 402, 430, 435, 440, 441, 610 and 611.

5) Effective Date of the Rules: April 18, 1989.

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this Rule contain an incorporation by reference? No.

8) Date filed in Agency's Principal Office: April 15, 1989.

9) Notice of Proposal published in Illinois Register: December 30, 1988 at 12 Ill. Reg. 22295.

10) Has JCAR issued a Statement of Objection to these Rules? No.

11) Difference between proposal and final version: None.

Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and purpose of the rules: This amendment makes clear the distinction between monies paid by a labor union for services provided to it and monies which are available to members to sustain them during periods of unemployment caused by labor disputes.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, Illinois 60605
312/793-4240

The full Text of the Adopted Amendments appears on the following pages:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER g: INELIGIBILITY FOR BENEFITS

PART 2920

DISQUALIFYING INCOME AND REDUCED BENEFITS

SUBPART A: GENERAL PROVISIONS

Section	Definitions
2920.1	Ineligibility To Receive Benefits Due To Performing Full-Time Work Or Due To The Receipt Of Various Income Whose Sum Is Equal To Or Greater Than The Individual's Weekly Benefit Amount
2920.10	Reduction In Benefits Due To Receipt Of Vacation Pay, Holiday Pay, Retirement Pay, And Workers' Compensation Whose Sum Is Less Than The Individual's Weekly Benefit Amount
2920.15	Reduction In Benefits Due To Receipt Of Wages For Less Than Full-Time Work
2920.20	Reduced Benefits: Payment Of Dependents' Allowance Or Spouse's Allowance
2920.25	Payments Made During Shutdown For Inventory Or Vacation Purposes
2920.30	Payments Made In Connection With Separation Or Layoff As, Or In The Nature Of Vacation Pay, Vacation Pay Allowance Or As Pay In Lieu Of Vacation
2920.35	Holiday Pay
2920.40	Payments In Lieu Of Notice Of Separation Or Layoff
2920.45	Severance Pay
2920.50	Back Pay Awards
2920.55	Receipt Of Or Filing For Unemployment Insurance Benefits Under The Laws Of Another State, Canada, Or The United States
2920.60	Supplemental Unemployment Benefits (SUB Pay)
2920.68	Payments By A Labor Union
2920.65	Retirement Pay
2920.70	Retirement Pay Considered Disqualifying Income
2920.75	Allocation Of Retirement Pay
2920.80	Miscellaneous Forms Of Retirement Pay
2920.85	Conformity With Federal Unemployment Tax Act

AUTHORITY: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 600, 605, 610, 611, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 344, 345, 349, 370, 401, 402, 430, 435, 436, 440, 441, 610 and 611).

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 11 Ill. Reg. 1853, effective January 7, 1987; amended at 12 Ill. Reg. 16066, effective September 23, 1987; amended at 13 Ill. Reg. 1773, effective January 27, 1989; amended at 13 Ill. Reg. 5936, effective April 18, 1989

SUBPART A: GENERAL PROVISIONS

Section 2920.68 Payments By A Labor Union

- a) Payments made by a labor union to an individual for picketing at an employing unit's place of business or for conducting negotiations on behalf of the labor union are wages under Section 234 of the Act (Ill. Rev. Stat. 1987, Ch. 48, par. 344) because the individual is performing a service for the labor union.

Example: A labor union is engaged in a labor dispute with a certain employer. Because this particular union represents only a small portion of the employer's total work force and because of the vast size of the employer's facility, it is not possible for the union's own members to set up a meaningful picket line at this facility. For this reason, the union hires non-members to assist in picketing the facility. Those non-members are providing a service to the union and their remuneration constitutes wages under Section 234 of the Act. However, the union does not pay its own members for picketing; instead, they receive what is called "strike pay." However, this is money which is available to members to sustain them during the labor dispute and is not tied to the amount of time that they spend on the picket line. This money is not wages under Section 234 of the Act.

- b) Strike benefits or welfare fund payments made to members of a labor union during a labor dispute in order to sustain the members during the period of the dispute are not wages as they are not payments for services performed for the labor union.

(Source: Added at 13 Ill. Reg. 5936, effective Apr. 18, 1989)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 56 Ill. Adm. Code 2960
- 3) Section Number: Adopted Action:
2960.105 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 48, pars. 610, 611, 615 and 640.
- 5) Effective Date of the Rules: April 18, 1989.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Rule contain an incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: April 15, 1989.
- 9) Notice of Proposal published in Illinois Register: January 6, 1989 at 13 Ill. Reg. 17.
- 10) Has JCAR issued a Statement of Objection to these Rules? No.
- 11) Difference between proposal and final version: None.
Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and purpose of the rules: This amendment deletes a phrase which the Department had agreed with JCAR staff to delete when this rule was originally proposed in August, 1988. The phrase was inadvertently not deleted.
- 16) Information and Questions regarding these Adopted Amendments may be addressed to:
Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, Illinois 60605
312/793-4240

The full Text of the Adopted Amendment appears on the following pages:

DEPARTMENT OF EMPLOYMENT SECURITY

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER h: JOB SERVICE

PART 2960
GENERAL PROVISIONS

SUBPART B: INFORMATION OBTAINED PURSUANT TO ADMINISTRATION
OF THE STATE EMPLOYMENT SERVICE

- Section 2960.100 Disclosure Of Information For Use In Employment,
2960.105 Training And Educational Programs Administered By State
And Local Governmental Social Welfare Agencies
2960.110 Disclosure Of Information For Use By Governmental
Agencies Participating In Public Works And Related
Programs

NOTE: ORATOR TYPE DENOTES STATUTORY LANGUAGE

AUTHORITY: Implementing and authorized by Sections 1700, 1701, 1705 and 1900 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 610, 611, 615 and 640).

SOURCE: Illinois Department of Labor, Bureau of Employment Security, Regulation 31, filed as amended June 23, 1977, effective July 3, 1977; rule repealed by operation of law October 1, 1984; new rule adopted at 9 Ill. Reg. 15878, effective October 8, 1985; amended at 12 Ill. Reg. 13596, effective August 5, 1988; amended at 13 Ill. Reg. 5940, effective April 18, 1989.

SUBPART B: INFORMATION OBTAINED PURSUANT TO ADMINISTRATION
OF THE STATE EMPLOYMENT SERVICE

- Section 2960.105 Disclosure Of Information For Use In
Employment, Training And Educational Programs
Administered By State And Local Governmental
Social Welfare Agencies

- a) For the purposes of implementing and administering employment, training, educational and social welfare programs, any agency of this State, as defined by Section 3.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1003.01) or any other State, any local government of this State, as defined by Section 3(a) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203(a)) or any agency

of the Federal government, as defined by Section 551(1) and 552(f) of the Federal Administrative Procedures Act (5 U.S.C. 551(1) and 552(f)) which trains, educates, grants funds for training or education, engages in research for educational or training purposes, places in employment, provides public assistance payments, provides social welfare services, or any other related service of the State shall be deemed to be a Public agency of this or any other State or the Federal Government dealing with the administration of relief, public assistance, ... a system of public employment offices, ... as provided in Section 1900 of the Act (Ill. Rev. Stat. 1987, ch. 48, par. 640).

- b) Pursuant to Section 1900 of the Act, the Director shall provide such agencies and local entities, information from the files of the Department as the Director deems proper (Ill. Rev. Stat. 1987, ch. 48, par. 640), based upon the written request (i.e. purpose under the law, format or forms of data and schedule for delivery of data) of the agency or entity, to be helpful to them to provide outreach and recruitment, assist in intake, determine eligibility, monitor program outcome or evaluate the success of the various services delivered by their employment, training, educational or social welfare programs.

- 1) Example 1: A state economic development agency administers the Federal employment training funds received by this State under the federal Job Training Partnership Act (29 U.S.C. 1501 et seq.)(JTPA). These funds are subgranted to units or combinations of units of local government called Service Delivery Areas (SDA's) which recruit, assess, train and place disadvantaged individuals in unsubsidized jobs. In order to assist in performing these functions, the Director, upon written request, will provide the State economic development agency with identifying information about individuals who qualify for the services that it and its subgrantees can provide. The State economic development agency can provide this information to its subgrantees (SDA's).

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

2) Example 2: Public educational institutions and public training institutions might be in need of accurate data to help them determine the relative success of their educational and training programs. Upon written request, the Director shall provide to these institutions such data as is available to determine increases or decreases in individual wages, duration of employment, if and when the individual filed for unemployment insurance or other educational or training related factors.

3) Example 3: A State economic development agency seeks to attract new manufacturers to this State. This agency requests current information on the number, size and type of major potential suppliers and subcontractors in a given geographical area. Upon written request, the Director will provide such data to the agency.

4) Example 4: The Illinois Department of Rehabilitation Services is attempting to contact specific groups of potential employers for their newly trained handicapped clients. Upon written request, the Director can provide this Department with a mailing list of companies which are experiencing growth or whose records indicate other factors which might lead to the hiring of the handicapped workers. A similar outreach effort could be made on behalf of welfare recipients, ex-offenders, youth or the aging.

c) General administrative data and labor market information, including but not limited to information concerning employment opportunities, levels and trends, labor supply and demand and related statistical data, shall be available to both private and public agencies and individuals. Except as provided in subsections (a) and (b), such information shall not allow for the identification of a specific employing unit or individual.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

d) Unless statutorily excluded, the Director shall require payment of the costs incurred in providing such requested information if the Director incurs additional costs in processing the information which are greater than the cost of recovery and the Department does not receive some offsetting benefit (see example) from providing the data.

Example: A local government, upon written request, asks the Director to provide a mailing list of all unemployed individuals in its service area who might meet certain eligibility criteria for a training program it will sponsor. Since such mailing lists are not regularly prepared by the Director, the Director may negotiate with the entity regarding the reimbursement of costs for preparing the list, or the Director may provide such list without charge if, for example, the local entity would agree to provide similar data and/or services in return.

(Source: Amended at 13 Ill. Reg. 5940, effective April 18, 1989)

NOTICE OF RECODIFICATION

1. Heading of the Part: Procedures for Operation of the Non-Hazardous Solid Waste Fee System
2. Code Citation: 35 Ill. Adm. Code 858
3. Date of Administrative Code Division Review: April 18, 1989
4. Headings and Section Numbers of the Part Being Recodified:

Section Numbers

Subpart B

858.204
858.205

Subpart C

858.304
858.305

858.306

Headings

Procedures for Maintaining
Records where the Quantity of
Waste Has Been Weighed
Quarterly Solid Waste Summary
Supplemental Solid Waste
Record

Procedures for Maintaining
Records Where the Quantity of
Waste Has Not Been Weighed.
Quarterly Solid Waste Summary
Supplemental Solid Waste
Record
Measurement

5. Outline of the Section Numbers and Headings of the Part as Recodified:

Section Numbers

Subpart B

858.207
858.208

Subpart C

858.308
858.309

858.310

Headings

Procedures for Maintaining
Records Where the Quantity of
Waste Has Been Weighed
Quarterly Solid Waste Summary
Supplemental Solid Waste
Record

Procedures for Maintaining
Records Where the Quantity of
Waste Has Not Been Weighed.
Quarterly Solid Waste Summary
Supplemental Solid Waste
Record
Measurement

NOTICE OF RECODIFICATION

6. Conversion Table of Present and Recodified Parts:

<u>Present Part</u> (Section Numbers)	<u>Recodified Part</u> (Section Numbers)
Subpart B	Subpart B
858.204	858.207
858.205	858.208
Subpart C	Subpart C
858.304	858.308
858.305	858.309
858.306	858.310

The remainder of this Part remains as presently on file.

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Low Income Housing Tax Credit Allocation
- 2) Code citation: 47 Ill. Adm. Code 350
- 3) Section Numbers: 350.202
Adopted Action: Amendment
- 4) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1987, ch. 67 1/2, pars. 307.19 and 307.25).
- 5) Effective Date of Rule(s): April 18, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 10, 1989
- 9) Notice of Proposal Published in Illinois Register:
September 30, 1988 12 Ill. Reg. 15265
- 10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: Based upon comments received from the Joint Committee on Administrative Rules and other individuals and organizations, changes were made to the proposed rules. However, the changes were minor and primarily of style, rather than substance.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements between the Illinois Housing Development Authority and Joint Committee were necessary to resolve Joint Committee questions concerning the above-referenced rulemaking.

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of Rule: The above section is being amended to properly reflect the actual administrative costs incurred by the Authority in the program and to adjust the costs to sponsors of such projects accordingly.

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted rule shall be directed to:

Steven H. Nemerovski
401 N. Michigan Avenue
Suite 900
Chicago, Illinois 60611
(312) 836-5325

The full text of the Adopted Rule begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITYPART 350
LOW-INCOME HOUSING TAX CREDIT ALLOCATION

SUBPART A: GENERAL RULES

Section
350.101 Purpose and Objectives
350.102 Definitions
350.103 Compliance with Federal Law
350.104 Severability

SUBPART B: LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS

Section
350.201 Tax Credit Issuing Authority
350.202 Application Process
350.203 Authority Review
350.204 Approval or Rejection
350.205 Notification of Placement Into Service
350.206 Project Certification
350.207 Housing Credit Dollars Allocation
350.208 Reservation of Housing Tax Credits for Period Other Than Current Calendar Year
350.209 Revocation of Reservations

AUTHORITY: Implemented and authorized by Executive Order 87-1, effective February 2, 1987 and Sections 7.19 and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1987, ch. 67 1/2, pars. 307.19 and 307.25).

SOURCE: Emergency Rules adopted at 11 Ill. Reg. 6553, effective March 30, 1987, for a maximum of 150 days, emergency expired August 27, 1987; adopted at 11 Ill. Reg. 19271, effective November 17, 1987; amended at 13 Ill. Reg. 5947, effective April 18, 1989.

Section 350.202 Application Process

Any sponsor may apply for an allocation of housing tax credit dollars by submitting an application to the Authority on forms prescribed by the Authority setting forth the following information:

- The name and location of the proposed Project;
- The name, address and telephone number of the sponsor, owner, attorney, architect, contractor and consultant;
- A history of the sponsor's experience in developing housing and low-income housing in particular;
- A complete description of the proposed Project, including the number and type of units and a rent schedule;

- A complete description of any subsidies for the Project including the proposed source and estimated amount;
- Percentage of low-income units as defined in Section 42 of the Internal Revenue Code and the methodology used in estimating this percentage;
- The estimated total cost of the proposed Project, including land acquisition, construction, architects' fees, attorneys' fees, title insurance and all other costs associated with the Project;
- The amount and type of financing for the Project and the status of same, including evidence of a financing commitment from the source of financing;
- Dates of the Project's expected ground breaking, completion and placement into service;
- The amount of housing tax credit dollars requested;
- A certification from the sponsor certifying to the Authority that all information contained in the application and accompanying information is true and accurate to the best of sponsor's knowledge and that the Project will be placed in service before the close of the calendar year; and
- The Sponsor shall submit an application fee of \$250.00 with the application for housing tax credits. Upon approval of the application for housing tax credits, a reservation fee of $\frac{1}{2}\%$ 2.75% of the amount of the credit reservation will be due.

(Source: Amended at 13 Ill. Reg. 5947, effective April 18, 1989.)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Notice of Eligibility
- 2) Code Citation: 50 Ill. Adm. Code 6701
- 3)

<u>Section Numbers</u>	<u>Adopted Action</u>
6701.10	New Section
6701.20	New Section
6701.30	New Section
Exhibit A	
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 73, par. 1311.
- 5) Effective Date of Rules: April 18, 1989
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: April 18, 1989
- 9) Notice of Proposal Published in Illinois Register:
November 4, 1988, 12 Ill. Reg. 17617
- 10) Has JCAR issued a Statement of Objection to these rules:
No.
- 11)

Section 6701.10	- 4th line after "Health" add "Insurance"
	- 5th line after "1311" add ")"
	- capitalized language is now in italics
Section 6701.20	- language indented 5 spaces
	- capitalized language placed in italics
	- Definition of "Insurer" statutory citations to the 3 Acts cited were added. They are respectively: "(Ill. Rev. Stat. 1987, ch. 32, par. 563 et seq.)" "(Ill. Rev. Stat. 1987, ch. 32, par. 595 et seq.)"

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

- "(Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1401 et seq.)"
- Exhibit A
 - line 5, delete second set of ellipses
 - line 7, delete "above", add "about"
 - line 10, delete "(address)", add "Administering Carrier"
 - Mutual of Omaha, Box #20, One Westbrook Corporate Center, Westchester, Illinois 60154
 - line 11, after "1-800-" add "456-0224".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes.
 - 13) Will this rule replace an emergency rule currently in effect? No.
 - 14) Are there any amendments pending on this Part? No.
 - 15) Summary and purpose of Rule: The purpose of this Part is to prescribe the form and content of the Notice of Eligibility insurers are required to give rejected applicants for health insurance pursuant to Section 11 of the Comprehensive Insurance Plan Act (Ill. Rev. Stat. 1987, Ch. 73, par. 1311).
 - 16) Information and questions regarding this adopted rule shall be directed to:

Mr. Lloyd M. Rice
Assistant Deputy Director
Department of Insurance
320 W. Washington Street, 4th Floor
Springfield, Illinois 62767
(217) 782-5342

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER jjj: COMPREHENSIVE HEALTH INSURANCE PLAN

PART 6701
NOTICE OF ELIGIBILITY

Section	Purpose and Scope
6701.10	Definitions
6701.20	Notice of Requirements
6701.30	Notice of Eligibility
EXHIBIT A	

AUTHORITY: Implementing and authorized by Section 11 of the Comprehensive Health Insurance Plan Act (Ill. Rev. Stat. 1987, ch. 73, par. 1311) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013).

SOURCE: Adopted at 13 Ill. Reg. 5951, effective April 18, 1989.

Section 6701.10 Purpose and Scope

The purpose of this Part is to prescribe the form and content of the Notice of Eligibility insurers are required to give rejected applicants for health insurance pursuant to Section 11 of the Comprehensive Health Insurance Plan Act (Ill. Rev. Stat. 1987, ch. 73, par. 1311). The requirements of this Part shall apply to every insurer licensed to issue, and which issues for delivery, policies of health insurance in this state.

Section 6701.20 Definitions

"CHIP" means the Illinois Comprehensive Health Insurance Plan.

"Health insurance" means any hospital, surgical or medical coverage provided under an expense-incurred policy, non-profit health care service plan contract or health maintenance organization or subscriber contract, including any amounts paid to a provider of services whether by insurance or otherwise. Health insurance shall not include accident only, disability income, hospital confinement indemnity, dental or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical-payment

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

"Insurer" means any insurance company authorized to transact health insurance business in this state and any corporation which provides medical services and is organized under "The Medical Service Plan Act", approved July 25, 1945, as amended (Ill. Rev. Stat. 1987, ch. 32, par. 563, et seq.), "The Voluntary Health Services Plans Act", approved June 27, 1951, as amended (Ill. Rev. Stat. 1987, ch. 33, par. 595, et seq.), or the "Health Maintenance Organization Act", approved August 27, 1974, as amended (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1401, et seq.).

Section 6701.30 Notice of Requirements

Whenever any application for health insurance is rejected for reason(s) of the health of the applicant or any other person proposed for such insurance, the insurer shall notify the applicant or named insured in such declination of his/her potential eligibility for coverage under CHIP. Such notice shall accompany or be included in the notice of declination and shall include, at a minimum, the language as set forth in Exhibit A of this Part.

Section 6701.EXHIBIT A Notice of Eligibility

NOTICE OF ELIGIBILITY FOR THE
ILLINOIS COMPREHENSIVE HEALTH INSURANCE PLAN

You and/or your dependents may be eligible for health insurance coverage under the Illinois Comprehensive Health Insurance Plan (CHIP), which has been established by the State of Illinois to provide such coverage for Illinois residents. CHIP is for people who need ... and can afford health insurance, but who cannot obtain it because of a medical or physical condition. If you are interested in obtaining more information about CHIP, please contact:

The Illinois Comprehensive Health Insurance Plan
Administering Carrier-Mutual of Omaha
Box #20, One Westbrook Corporate Center
Westchester, Illinois 60154
1-800-456-0224

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Surface Installation Health and Safety
- 2) Code Citation: 62 Ill. Adm. Code 220
- 3) Section Numbers
220.10 Adopted Action
220.80 Amended
 Amended
- 4) Statutory Authority: Implementing Section 2.12 and 38.2 of The Coal Mining Act (Ill. Rev. Stat. 1987, Ch. 96 1/2, pars. 312, 3802)
- 5) Effective Date of Amendments: April 18, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? These proposed amendments update and correct references to material incorporated by reference.
- 8) Date Filed in Agency's Principal Office: April 17, 1989
- 9) Notice of Proposed Amendments Published in Illinois Register:

January 6, 1989, 13 Ill. Reg. 23

- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Difference(s) between proposal and final version:
 - A) In Section 220.10(a) "These rules" was changed to "this Part" in lines 1,4, and 6. A statutory citation to the Act in line 5 was added. In subsection (b) "Part 220" to "this Part" was changed.
 - B) In the definition of "Mining Board" the Section of this Act is specified and a statutory citation was added.
 - C) At the end of Section 220.80(a)(1)(A) "in accordance with this Section" was added.
 - D) In Section 220.80(b)(2)(C) "Section 220.80(b)(2)(A) and (B)" was changed to "subsections (b)(2)(A) and (B)." This comment applies to all such references within this Section.
 - E) At the end of Section 220.80(c)(4) "Examples of conditions for which the Department may require additional testing or calibration include the finding of any present or repeated dangerous conditions or malfunctions, incomplete or inadequate recordkeeping, or any indication that procedures have not been followed." was added.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

- F) We have made grammar, punctuation and stylistic changes not effecting the rules.
 - 12) Have all changes agreed upon by JCAR and the agency been made as indicated in the agreement letter issued by JCAR to the agency? Yes
 - 13) Will these Amendments replace an Emergency Amendment currently in effect? No
 - 14) Are there any amendments pending on this part?
- | Section Number | Proposed Action | Illinois Register Citation |
|----------------|-----------------|---------------------------------|
| 220.160 | Amended | 13 Ill. Reg. 756, Jan. 20, 1989 |
- 15) Summary and Purpose of Rule(s):
These proposed amendments make changes to the safety requirements for inspecting, maintaining and repairing high-voltage electrical equipment as follows:
 1. definitions are added or expanded to provide for greater clarity;
 2. references to industry standards incorporated by reference are updated and corrected;
 3. annual and monthly testing and examination of high-voltage systems, and the specific requirements for annual and monthly testing and examination, are separately set forth for greater clarity;
 4. the contents of records to be kept of annual and monthly testing and examination of high-voltage systems are specified;
 5. the qualifications of persons testing, examining and repairing high-voltage equipment are clarified; and
 6. numerous changes in technical terminology and requirements are made either to clarify existing safety standards or enhance safety standards concerning high-voltage electrical systems at mine sites.
 In addition, the definition of "blasting agent" is updated.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: John C. Lynch
Rules Coordinator

Address: 300 W. Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Telephone: (217) 782-0125

The full text of the Adopted Amendments begin on the next page:

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

CHAPTER I: DEPARTMENT OF MINES AND MINERALS
TITLE 62: MININGPART 220
SURFACE INSTALLATION HEALTH AND SAFETY

Section	
220.10	Introduction and Definitions
220.20	Surface Installations
220.30	Thermal Dryers
220.40	Safeguard for Mechanical Equipment
220.50	Electrical Equipment--General
220.60	Trailing Cables
220.70	Grounding
220.80	Surface High-Voltage Distribution
220.90	Low and Medium-Voltage Alternating Current Circuits
220.100	Ground Control
220.110	Fire Protection
220.120	Mine Maps
220.130	Explosives and Blasting
220.140	Man Hoisting
220.150	Auger Mining
220.160	Loading and Haulage
220.170	Miscellaneous
220.180	Trolley Wires and Trolley Feeder Wires
220.190	Slope and Shaft Sinking
220.200	Surface Bathing Facilities, Change Rooms and Sanitary Flush Toilet Facilities at Surface Coal Mines
220.210	Sanitary Toilet Facilities at Surface Coal Mines
220.220	Drinking Water
220.230	Health and Safety Rules Applicable to Underground Coal Mines

AUTHORITY: Implementing and authorized by Section 2.12 of the Coal Mining Act (Ill. Rev. Stat. 1987, ch. 96 1/2, par. 312).

SOURCE: Filed October 27, 1976, effective November 27, 1976; emergency amendment at 2 Ill. Reg. 19, p. 147, effective May 3, 1978, for a maximum of 150 days; emergency amendments at 2 Ill. Reg. 19, p. 216, effective May 5, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 20, p. 142, effective May 17, 1979; amended at 4 Ill. Reg. 48, p. 220, effective December 17, 1980; amended at 7 Ill. Reg. 6491, effective May 9, 1983; emergency amendments at 7 Ill. Reg. 12895, effective September 20, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 8915; amended at 8 Ill. Reg. 12313, effective July 5, 1984; amended at 10 Ill. Reg. 224, effective February 7, 1986; amended at 10 Ill. Reg. 8104, effective June 15, 1986; amended at 13 Ill. Reg. 5955, effective April 18, 1989.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

Section 220.10 Introduction and Definitions

- a) Adoption of Regulations--Scope and Authority. These rules This Part sets forth mandatory safety standards for bituminous, anthracite and lignite surface coal mines, including open pit and auger mines, preparation facilities and all other surface work areas of underground and surface coal mines. In adopting these rules this part, the Mining Board implements The Coal Mining Act of 1953, (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 312 and 3802) as amended by Public Act 79-460, in adopting these rules the Mining Board and the Director have adhered to the statutory and regulatory standards affecting the adoption of and promulgation of health and safety rules, including, but not limited to, Section 2-12 of the Coal Mining Act of 1953 as amended; and the Rules of Procedure in Administrative Proceedings in the Department of Mines and Minerals before the Mining Board. None of these rules provide for any protection at a level which is below that established in the federal standards for surface installation health and safety.

b)

Definitions.

For the purposes of this Part these rules the term:

"Active workings" means any place in a coal mine where miners are normally required to work or travel;

"American Table of Distances" means the February 1986 current edition of the "The American Table of Distances for Storage of Explosives" published by the Institute of Makers of Explosives Suite 310, 1120 Nineteenth Street N.W., Washington D.C. 20038-2605 (The reference does not include any later amendments or editions.);

"Barricaded" means to obstruct passage of persons, vehicles, or flying materials;

"Berm" means a pile or mound of material capable of restraining a vehicle;

"Blasting agent" means any material consisting of a mixture of a fuel and oxidizer which:

- is used or intended for use in blasting;
- is not classed as an explosive by the Department of Transportation of the United States of America;
- contains no ingredient classed as an explosive by the Department of Transportation of the United States of America; and
- Cannot be detonated by a No. 8 blasting cap when tested as recommended in United States Department of Interior Bureau of Mines information Circular 8179;

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

-is otherwise--consistent with the laws--and regulations of the State of Illinois--
 or mixture, consisting of fuel and oxidizer, that is intended for blasting and not otherwise defined as an explosive; if the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined. A number 8 test blasting cap is one containing 2 grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40-0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer.

"Blasting Area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury;

"Blasting cap" means a detonator containing a charge of detonating compound, which is ignited by electric current, or the spark of a fuse. Used for--detonating--explosives;

"Blasting Circuit" means electric circuits used to fire electric detonators or to ignite an igniter cord by means of an electric starter;

"Blasting switch" means a switch used to connect a power source to a blasting circuit;

"Box-type magazine" means a small, portable magazine used to store limited quantities of explosives or detonators for short periods of time in locations at the mine which are convenient to the blasting sites at which they will be used;

"Capped fuse" means a length of safety fuse to which a detonator has been attached;

"Capped primer" means a package or cartridge of explosives which is specifically designed to transmit detonation to other explosives and which contains a detonator;

"Certified" as applied to any person, means a person certified as a Surface Mine Supervisor by the Mining Board to perform duties prescribed by these rules, and the laws of the State of Illinois;

"Circuit breaker" means a mechanical switching device capable of

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

carrying electrical current under normal circuit conditions and also, carrying for a specified time, and breaking currents under overload, undercurrent and short circuit conditions;

"Connection box" means a boxlike enclosure with a removable lid/plate/door or other means of access within which electric connections between sections of cable can be made;

"Department" means the Department of Mines and Minerals of the State of Illinois;

"Detonating cord" or "detonating fuse" means a flexible cord containing a core of high explosive;

"Detonator" means a device containing a small detonating charge that is used for detonating an explosive, including, but not limited to blasting caps, exploders, electric detonators, and delay electric blasting caps;

"Director" means the Director of the Department of Mines and Minerals of the State of Illinois;

"Electrical grounding" means to connect with the ground to make the earth part of the circuit;

"Explosive" means any chemical compound, mixture, or device the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to black powder, dynamite, nitroglycerin, fulminate, ammonium nitrate when mixed with a hydrocarbon, and other blasting agents;

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure;

"Fuse" means an electrical overload protective device with a circuit opening fusible part that is heated and severed by the passage of overcurrent through it;

"High-voltage" means more than one thousand (1,000) volts;
 "Low-voltage" means up to and including six hundred sixty (660) volts; --medium-voltage--means--voltages--from--six--hundred--sixty--one--(661)--to--one--thousand--(1,000)--volts;--and--"high-voltage" means--more--than--one--thousand--(1,000)--volts;

"Medium-voltage" means voltages from six hundred sixty-one (661) to one thousand (1,000) volts;

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

"Mining Board" means the Illinois State Mining Board in the Department of Mines and Minerals created by Section 5.04 of the Civil Administrative Code of Illinois as amended; (Ill. Rev. Stat. 1987, ch. 127, par. 5.04).

"Misfires" means the complete or partial failure of a blasting charge to explode as planned;

"Mobile electric equipment" means equipment capable of moving under its own power;

"Portable electric equipment" means equipment that is actually moved or can be readily moved from one place to another. Some illustrative examples include:

electric hand tools;
electric pumps and air compressors which receive power through a portable cable and are designed to be moved from place to place in a strip pit;
electric welders which receive power through a portable cable and are designed to be moved from place to place in a preparation plant or on board a unit of mobile electric equipment; and
a skid mounted substation which receives its power through a portable cable;

"Primer" or "Booster" means a package or cartridge of explosives which is designed specifically to transmit detonation to other explosives and which does not contain a detonator;

"Qualified person" means as the context requires;

"Rated" is a term that, applied to an operating characteristic, indicates the designated limit or limits of the characteristic for application under specified conditions;

"Resistance grounded systems" means electrical circuits that are grounded through impedance, the principal element of which is resistance;

"Roll protection" means a framework, safety canopy, or similar protection for the operator when equipment overturns;

"Safety can" means an approved container, of not over five (5) gallons capacity, having a spring-closing lid and spout cover;

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and waterproofing compounds which burns at a uniform rate; used for firing a cap containing the detonating compound which in turn sets off the explosive charge;

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

"Safety switch" means a sectionalizing switch that also provides shunt protection in blasting circuits between the blasting switch and the shot area.

"Stationary electric equipment" means equipment that is installed in a fixed location and is wired in a permanent manner. Some illustrative examples of stationary electric equipment include:
pendant type lighting fixtures even though the fixtures are suspended from the ceiling by a portable cord;
electric welders which are installed in a fixed location and are wired with a permanent wiring method;
electric pumps which are installed in a fixed location in a preparation plant and are wired with a permanent wiring method; and
a skid mounted substation which is installed and grounded in a permanent manner and receives its power directly from an overhead power line.

(Source: Amended at 13 Ill. Reg. 5955, effective April 18, 1989.)

Section 220.80 Surface High-Voltage Distribution

a) High-voltage circuits; protective devices.

1) Circuit breakers protecting high-voltage circuits supplying power to portable or mobile equipment must: High-voltage circuits supplying power to portable or mobile equipment must be protected by suitable circuit breakers

A) be properly tested and maintained in accordance with this Section;
B) have adequate interrupting capacity for the circuit application as rated by the manufacturer;
C) be equipped with devices for protection against:

- i) short circuit,
- ii) overload,
- iii) grounded phase, and
- iv) undervoltage unless protection against undervoltage is provided on board the portable or mobile equipment receiving power from the circuit. A magnetic starter, which opens upon and must be reset manually following a loss of power, satisfies the undervoltage requirement.

of adequate interrupting capacity which are properly tested and maintained and equipped with devices to provide protection against grounded phase, short circuit, and overload. The circuit breaker shall also be equipped with devices to provide

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

breaker--by-passing--an-amount-of--current--equal--to--
forty--(40)--percent--of--the--rating--of--the--grounding
resistor--through--the--ground--fault--current
transformer--or--through--a-phase-current-transformer
when--residual-ground-fault-tripping-is-used--If
potential-ground-fault-tripping-is-used--activated
the-trip--breaker-by--impressing-a-voltage--on--the
ground-trip-relay--equal--to--forty--(40)--percent--of--the
ground-fault-potential-transformer-secondary-voltage--
Additionally--the--transformer-coil--continuity--shall
be-checked--

- ii) in-situ-grounded-systems-activate-the-fault-breaker-by-passing-sufficient-current-through-the-ground-fault-current-transformer-or-through-phase-current-transformer-when-residual-ground-fault tripping-is-used-to-cause-activation-of-the-ground-fault-relay--
- iii) in-ungrounded-systems-the-ground-detector-shall-be-tested-by-

Reenergizing the systems,--
Grounding one phase through an impedance rated at not
more than twenty-five (25) amperes at the phase-to-
phase voltage of the system; and--
Reenergizing the systems.

iv) When ground-check monitoring is used, activate the circuit-breaker trip circuit by -
 Breaking the continuity of the ground-check conductor at the extreme end of the monitoring circuit -
 -either breaking the ground conductor at any point between the grounded side of the resistor and the equipment being served, or -increasing the resistance of the grounding circuit to that amount necessary to cause a voltage drop in the grounding circuit of more than one hundred (100) volts under fault conditions -
 and -

- 3)- Repairs, calibrations, on adjustments, as are indicated, by such examinations, and tests, shall be carried out immediately. Calibration shall include adjusting all relays and associated components to cause activation at plus or minus ten (10) percent of the indicated setting.
- 4)- An authorized representative of the Department may require additional testing or calibration of circuit-breakers and associated devices.
- C) Actual system trips during the inspection interval may be used in place of the test specified in subsection (b)(2)(A) and (B) where such actual operations are

C) Actual system trips during the inspection interval may be used in place of the test specified in subsection (b)(2)(A) and (B) where such actual operations are associated devices.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

maintained as part of the records.

- 3) The operator must maintain written records of each test, examination, repair, or adjustment of all circuit breakers protecting high-voltage circuits. Such records must be kept in a book containing the following information:

- A) The name of the person making the inspection;
- B) The equipment inspected;
- C) The inspected equipment's location;
- D) The date of inspection;
- E) The problems discovered and their corrections;
- F) The signature of the supervisor of the person inspecting the equipment.

- c) Annual testing, examination, and maintenance of circuit breakers; record procedures; high-voltage. The operator shall maintain a written record of each test, examination, repair, or adjustment of all circuit breakers protecting high-voltage circuits. Such a record shall be kept in an approved book.

Circuit breakers and auxiliary devices located on the surface protecting surface or underground circuits, or both, must be tested and calibrated at the time of installation and at least annually thereafter by a person qualified to perform testing and calibration or qualified to perform electrical work under Section 220.50(e).

- 1) The annual test and examination must include:

- A) In resistance grounded systems:
 - i) Operation of the circuit breaker by passing a sufficient amount of current through the ground fault current sensing circuit to trip the circuit breaker. The ground resistor must be checked for continuity and ohmic value.
 - ii) If ground check monitoring is used, tripping the circuit breaker by breaking continuity of the ground check conductor, or using the manufacturer's recommended test.
 - iii) Verifying all current transformer secondary circuits.
 - iv) Verifying the operation and calibration of all over-current trip devices or relays.
 - v) Verifying the operation of the circuit breaker trip system, and
 - vi) Verifying the operation of under-voltage devices where their use is required under subsection (a)(1).
- B) In ungrounded and solidly grounded systems:
 - i) If ground check monitoring is used, tripping the circuit breaker by breaking continuity of the ground check conductor, or using the manufacturer's recommended test.
 - ii) Verifying the operation of all current transformer

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

- secondary circuits.
- iii) Verifying the operation and calibration of all over-current trip devices or relays.
 - iv) Verifying the operation of the circuit breaker trip system, and
 - v) Verifying the operation of under-voltage devices where their use is required under subsection (a)(1).

- 2) Repairs, calibrations, or adjustments indicated as necessary by the examination and test required in subsection (c) must be carried out before being returned to service.
- 3) Calibrations must include adjusting all relays and associated components according to manufacturer's specifications.
- 4) An authorized representative of the Department may require additional testing or calibration of circuit breakers and auxiliary devices when it is necessary to protect the health, safety and welfare of the miners. Examples of conditions for which the Department may require additional testing or calibration include the finding of any present or repeated dangerous conditions or malfunctions, incomplete or inadequate recordkeeping, or any indication that procedures have not been followed.
- 5) The operator must maintain written records of each test, examination, repair, or adjustment of all circuit breakers protecting high-voltage circuits. Such records must be kept in a book containing the following information:
 - A) The name of the person making the inspection;
 - B) The equipment inspected;
 - C) The inspected equipment's location;
 - D) The date of inspection;
 - E) The problems discovered and their corrections;
 - F) The signature of the supervisor of the person inspecting the equipment.
- d) Grounding resistors.
 - The grounding resistor, where required must shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than one hundred (100) volts under ground fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.
 - Grounding resistors; continuous current rating.
 - The ground fault current rating of grounding resistors must shall meet the "extended time rating" set forth in American Institute of Electrical and Electronics Engineers, Inc., 345 E. Forty-Seventh Street, New York City, New York 10017, Standard No. 32-1972, reaffirmed in 1984) (The reference does not include any later amendments or editions.)
- f) Protection of high-voltage circuits; neutral grounding resistors.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

- 1) High-voltage circuits supplying portable or mobile equipment must shalt contain either a direct or derived neutral which must shalt be grounded through an extended time grounding a-suitable resistor at the source transformers, and-a
- 2) A grounding circuit, originating at the grounded side of the grounding resistor, must-shalt extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit.
- 3) The grounding circuit conductor must shalt conform to Section 220.70(c).
- 4) High-voltage stationary equipment may be served from impedance grounded, solidly grounded or ungrounded systems.
- 5) Grounding transformers, where used to derive a neutral, and grounding-resistors-shalt must:

- A) be rated for continuous phase-to-ground fault current operation; and
- B) be located at the transformers supplying power to the circuit.

g) Fail-safe-ground-check-circuits-on-high-voltage-resistance-grounded systems--
Present-technology-does-not-provide-for-a-fail-safe-ground-monitoring system-for-high-voltage-circuits--in-the-event-such-technology becomes-available--the-Mining-Board-has-the-authority-to-adopt-rules requiring-such-systems--

h g) High-voltage cables; minimum design requirements.

- 1) Cables used in high-voltage systems must shalt be equipped with metallic shielding around each power conductor with one (1) or more grounding conductors having a total cross-sectional area of not less than one-half (1/2) the power conductor. The metallic shielding must shalt completely enclose each individual conductor or must shalt meet the requirements for shielding set forth in Standard WC8 provided--for--by-the--standards of the Insulated Power Cable Engineers Association-National Electrical Manufacturers' Association, 2101 L. Street, N.W., Washington, D.C. 20037 for type SH or SHD portable power cables (The reference to Standard WC8 is as revised July 1987 and does not include any later revisions or amendments). Cables used as trailing cables must shalt contain an insulated conductor for the ground continuity check circuit if the circuit requires a conductor.

- 2) All high-voltage cables must shalt be rated adequate for the intended current and voltage. Splices made in such cables must shalt provide continuity of all components and must shalt meet the requirements of Section 220.60(e).

+ h) Cable couplers and connection boxes; minimum design requirements.

- 1) Cable couplers; requirements.
- A) Couplers that are used in medium or high-voltage power circuits must shalt be of the three (3)-phase type and

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

- B) Cable couplers must shalt be rated adequate for the intended current and voltage.
- C) The metallic shell of cable couplers must shalt be grounded to the grounding conductor in the cable.
- D) Couplers must shalt be constructed in such manner so that the ground check monitoring conductor when required will break first and the grounding conductor will break last when being uncoupled.

2) Connection Boxes

- A) Cable connection boxes must shalt be designed and constructed of substantial--construction--and-designed to guard all energized parts from personal contact.
- B) The box entrance lid/plate/ or door must shalt be interlocked so that the circuit will be deenergized when the lid-or-door-is-opened.
- C) The current-carrying parts must shalt be deenergized and discharged before performing any work is--performed inside such boxes, and any--person-performing-work--thereon-shalt wear protective-gloves; unless the particular load carrying cable is in an isolated compartment from the rest of the connection box. In this case, only the load carrying cable need be deenergized to be worked on or removed. While deenergizing and discharging the box, protective gloves must be worn.

-j i) Connection of single-phase loads.

- Single-phase loads must shalt be connected phase-to-phase in resistance grounded systems.

k j) Installation of high-voltage transmission cables.

- High-voltage transmission cables must shalt be installed or placed so as to afford protection against damage. They must shalt be placed to prevent contact with low-voltage or communication circuits.

-t k) High-voltage power lines; clearances above ground.

- High-voltage power lines located above driveways, haulageways, and railroad tracks must shalt be installed so as to provide the minimum vertical clearance as specified in Rule 232 of the National Electrical Safety Code published by the Institute of Electrical and Electronics Engineers, Inc., 345 E. 47th Street, New York, New York 10017 (1981). (The reference does not include any later amendments or editions.); provided, however, that in no event shall any high-voltage power line be installed less than fifteen (15) feet above ground, walkways, or working areas.

m l)

- Booms and masts; minimum distance from high-voltage lines. The booms and masts of equipment operated on the surface of any coal mine must shalt not be operated within ten (10) feet of an energized overhead powerline. Where the voltage of overhead powerlines is sixty-nine thousand (69,000) volts, or more, the minimum distance from the boom or mast must shalt be as follows:

DEPARTMENT OF MINES AND MINERALS

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Nominal Powerline Voltage (In 1,000 volts)	Minimum Distance Feet
69-114	12
115-229	15
230-499	25
500 or more	35

m) Movement of Equipment: Minimum Distance from High-Voltage Lines.

When any part of any equipment operated on the surface of any coal mine is required to pass under or by any energized high-voltage power line and the clearance between such equipment and powerline is less than that specified in Section 220-80 subsection (ml) for booms and masts, such power lines must shalt be deenergized or other precautions must shalt be taken.

n) Operating of rear dump trucks under powerlines.

In cases where dump trucks are operated under powerlines, the minimum vertical clearance that must shalt be maintained over dumping areas, must shalt be five (5) feet more than the maximum height of the truck bed measured with the truck bed in the extreme raised position.

p) Disconnecting devices.

Disconnecting devices must shalt be installed at the beginning of each branch line in high-voltage circuits, except disconnection devices in high-voltage transmission lines, which must be accessible and located as near as practicable to the entrance to the high-voltage stationary installations supplied from the overhead powerlines, and near the power entrance to high voltage installations and they must shalt be equipped or designed in such manner that it can be determined by visual observation that the circuit is deenergized when such devices are open.

q) Identification of circuit breakers and disconnection disconnecting switches.

Circuit breakers and disconnecting switches must shalt be labeled to show which units they control, unless identification can be made readily by location.

r) High-voltage equipment grounding.

Low resistance ground fields used in high-voltage systems serving portable or mobile equipment must shalt be separated from the other ground fields by at least twenty-five (25) feet or more.

s) Movement of portable substation and transformers.

Portable substations, transformers, and high-voltage switch gear must shalt be deenergized before they are moved from one location to another, and must shalt be examined by a qualified person under Section 220.50(e) to assure safe operating condition prior to reenergization.

t) Performing work in proximity to energized high-voltage circuits.

No work must shalt be performed within four (4) feet of any

exposed energized high-voltage conductor unless the provisions of Section 220-80 subsections (wv) through Section 220-80 (eadd) have been complied with, with respect to guarding of all energized conductors; except that, a qualified person, qualified under Section 220.50(e) and wearing protective lineman's gloves rated for the phase-to-phase voltage of the system, may disconnect and connect conductors to the load side of opened fused cutouts or disconnecting switches.

u) Work on high-voltage line: deenergizing and grounding.

High-voltage lines must shalt be deenergized and grounded before work is performed on them, except that repairs may be permitted on energized high-voltage line if:

1) Such repairs are made by a qualified person under subsection (ff) in accordance with procedures and safeguards set forth in Section 220-80 subsections (vu) through 220-80 (eadd) as applicable; and

2) The operator has tested and properly maintained the protective devices necessary in making such repairs.

v) Work on high-voltage line.

1) A No high-voltage line is not shalt be regarded as deenergized for the purpose of performing work on it, until it has been determined by a qualified person under subsection (ff) that such high-voltage line has been deenergized and grounded. Such qualified person must shalt be by visual observation:

A) Determine that the disconnecting devices on the high-voltage circuit are in open position; and

B) Insure that each ungrounded conductor of the high-voltage circuit upon which work is to be done is properly connected to the system grounding medium. In the case of resistance grounded or solid wye-connected systems, the neutral wire is the system grounding medium. In the case of an ungrounded power system, either the steel armor or conduit enclosing the system or a surface grounding field is a system grounding medium.

2) No work must shalt be performed on any high-voltage line which is supported by any pole or structure which also supports other high-voltage lines until:

A) All lines supported on the pole structure are deenergized and grounded in accordance with all of the provisions of this Part which apply to the repair of deenergized surface high-voltage lines; or

B) The provisions of Section 220-80 subsections (wv) through 220-80 (eadd) have been complied with, with respect to the energized lines which are supported on the pole or structure.

3) Work must shalt be performed on energized surface high-voltage lines except only in accordance with the provisions of Section 220-80 subsections (vu) through 220-80 (dd) inclusive.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

- w v)** Repairs to energized high-voltage lines.
An energized high-voltage line may be repaired only when:
- The operator has determined that:
 - Such repairs cannot be scheduled during a period when the power circuit could be properly deenergized and grounded;
 - Such repairs will be performed on power circuits with a phase-to-phase nominal voltage no greater than fifteen thousand (15,000) volts;
 - Such repairs on circuits with a phase-to-phase nominal voltage of five thousand (5,000) volts or more will be performed only with the use of live line tools; and
 - Weather conditions will not interfere with such repairs or expose those persons assigned to such work to an imminent danger.
- 2) The operator has designated a qualified person under subsection (ff) as the person responsible for carrying out such repairs and such person, in order to insure protection for himself and other qualified persons assigned to perform such repairs from the hazards of such repairs, has prepared and filed with the operator:
- A general description of the nature and location of the damage or defect to be repaired;
 - The general plan to be followed in making such repairs;
 - A statement that a briefing of all qualified persons assigned to make such repairs was conducted informing them of the general plan, their individual assignments, and the dangers inherent in such assignments;
 - A list of the proper protective equipment and clothing that will be provided; and
 - Such other information as the person designated by the operator feels necessary to describe properly the means or methods to be employed in such repairs.
- 3) Work performed on power lines energized at more than fifteen thousand (15,000) volts must shaft be done in accordance with a plan submitted to and approved by the State Mine Inspector of the District in which the mine is located.
- x w)** Work on energized high-voltage surface line: reporting.
Any operator designating and assigning qualified persons to perform repairs on energized high-voltage surface lines under the provisions of Section 220-80 subsection (wv) must shaft maintain a record of such repairs. Such record must shaft contain a notation of the time, date, location, and general nature of the repairs made, together with a copy of the information filed with the operator by the qualified person designated as responsible for performing such repairs.
- y x)** Simultaneous repairs.
When two (2) or more persons are working on an energized high-voltage surface line simultaneously, and any one of them is within reach of another, such person must shaft not be allowed to work on different

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

- phases or on equipment with different potentials.
z y) Installation of protective equipment.

1) Before repair work on energized high-voltage surface lines is begun, protective equipment must shaft be used to cover all bare conductors, ground wires, guys, telephone lines, and other attachments in proximity to the area of planned repairs. Such protective equipment must shaft be installed from a safe position below the conductors or other apparatus being covered. Each rubber protective device employed in making of repairs must shaft have a dielectric strength of twenty thousand (20,000) volts or more and must shaft comply with the provisions of the American Society for Testing and Materials (ASTM) 655 Fifteenth Street N.W.; Washington, D.C. 20005 American National Standards Institute-ANSI-d6-series as follows:

ITEM	ASTM STANDARD	DATE OF ADOPTION
Rubber Insulating gloves	D120-87	July 31, 1987
Rubber matting for use around electrical apparatus	D178-88	Nov. 29, 1987 Feb. 26, 1988
Rubber insulating blankets	D1048-88	Feb. 26, 1988
Rubber insulating hoods	D1049-83	June 24, 1983
Rubber insulating line hose	D1050-85	August 30, 1985
Rubber insulating sleeves	D1051-87	July 31, 1987

AGENCY NOTE: The standards do not include any later amendments or editions.

ITEM	ANSI STANDARD
Rubber-insulating gloves	d6-6-1971
Rubber-matting-for-use-around electrical apparatus	d6-7-1971
Rubber-insulating-blankets	d6-4-1971
Rubber-insulating-hoods	d6-2-1971
Rubber-insulating-line-hose	d6-1-1971
Rubber-insulating-sleeves	d6-5-1971
2) Protective equipment of material other than rubber <u>must shaft</u> provide equal or better electrical and mechanical protection.	
3) Only live line tool poles having a manufacturer's certification to withstand the following minimum tests shall be used:	
A) One hundred thousand (100,000) volts per foot of length for five (5) minutes when the tool is made of fiberglass;	
B) Seventy-five thousand (75,000) volts per foot of length for three (3) minutes when the tool is made of wood; or	
6) 4) Measuring tapes or measuring ropes containing metal <u>must shaft</u>	

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

not be used when working on or near energized parts.

aa z) Protective clothing; use and inspection.

- 1) All persons performing work on energized high-voltage surface lines must shat wear protective rubber linemen's gloves, sleeves, and climber guards if climbers are worn. Protective rubber gloves must shat not be worn wrong side out or without protective leather gloves. Protective devices worn by a person assigned to perform repairs on high-voltage surface lines must shat be worn continuously from the time he leaves the ground until he returns to the ground and such person must shat visually inspect the equipment assigned him for defects before each use.

- 2) All rubber protective equipment used for work on energized high-voltage surface lines must shat be electrically tested in accordance with the American National Standards Institute and the American Society for Testing and Materials Standards (ASTM), 655 Fifteenth Street N.W.; Washington, D.C. 20005 as follows:

ITEM	ASTM STANDARD	DATE OF ADOPTION
Rubber Insulating gloves	D120-87	July 31, 1987
Rubber insulating blankets	D1048-88	Feb. 26, 1988
Rubber insulating hoods	D1049-83	June 24, 1983
Rubber insulating line hose	D1050-85	August 30, 1985
Rubber insulating sleeves	D1051-85	July 31, 1987

AGENCY NOTE: The references do not include any later editions or references.

ITEM	ANSI-STANDARD	ASTM-STANDARD
Rubber-insulating gloves	J6-6-1971	B120-70
Rubber-insulating blankets	J6-4-1971	B1048-70
Rubber-insulating hoods	J6-2-1971	-B1049-59(70)
Rubber-insulating line-hose	J6-1-1971	B1050-59(70)
Rubber-insulating sleeves	J6-5-1971	-B1051-70

- bb aa) Protective equipment; inspection.
Each person must shat visually inspect protective equipment and clothing provided him in connection with work on high-voltage surface lines before using such equipment and clothing and any equipment or

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

clothing containing any defect or damage must shat be discarded and replaced with proper protective equipment or clothing prior to the performance of any electrical work on such lines.

ee bb)

Protective equipment; testing and storage.

- 1) All rubber protective equipment used on work on energized high-voltage surface lines must shat be electrically tested by the operator in accordance with subsection (z)(2)--ASTM standards--Part-28--published--February-1968--and such testing must shat be conducted in accordance with the following schedule:

- A) Rubber gloves, once each month (except that gloves previously tested under Section 220.80 (z)(2) that are not in use and have been kept in a storeroom or warehouse may be treated the same as new gloves);

- B) Rubber sleeves, once every three (3) months;

- C) Rubber blankets, once every six (6) months;

- D) Insulator hoods and line hose, once a year;

- E) Aerial lift arm current test, before each use; and

- F) Other electric protective equipment, once a year.

- 2) Rubber gloves must shat not be stored wrong side out.

- 3) Blankets must shat be rolled when not in use, line hose and insulator hoods must shat be stored in their natural position and shape.

dd cc) Operating disconnecting or cutout switches.

Disconnecting or cutout switches on energized high-voltage surface lines must shat be operated only with insulated sticks, fuse tongs, or pullers which are adequately insulated and maintained to protect the operator from the voltage to which he is exposed. When such switches are operated from the ground, the person using such devices must shat wear protective rubber linemen's gloves except where switches are bonded to a metal mat as provided in Section-220-80 subsection (ut).

ee dd) Tying into energized high-voltage surface circuits.

If the work of forming an additional circuit by tying into an energized high-voltage surface line is performed from the ground any person performing such work must wear and employ all the protective equipment and clothing required and tested under the provisions of Section-220-80 subsections (aaz), 220-80(bbba), and 220-80(eebb). In addition, the insulated stick used by such person must have been designed for such purpose and must be adequately insulated and be maintained to protect such person from the voltage to which he is exposed.

ff ee) Use of grounded messenger wires; ungrounded systems.

Solely for purposes of grounding ungrounded high-voltage power systems, grounded messenger wires used to suspend the cable of such systems may be used as a grounding medium.

Repair of energized surface high-voltage line; qualified person.

gg ff) An individual is a qualified person within--the-meaning-of--this

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

Section 220-80 of this Part (except Section 220-80(b)), for the purpose of repairing energized surface high-voltage lines, under subsection (t) through subsection 220.80(ee) only if such person is a qualified person under Section 220-58(e) of this Part, and if such person

- 1) has had at least two (2) years experience in electrical maintenance, and
- 2) has had at least two (2) years experience in the repair of energized high-voltage lines located on poles and structures.

(Source: Amended at 13 Ill. Reg. _____, effective April 18, 1989.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Numbers: Adopted Action:
304.104 Amendment
304.124 Amendment
304.140 Repeal
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027.
- 5) Effective Date of Rule: April 18, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 6, 1989
- 9) Notice of Proposal Published in Illinois Register: 12 Ill. Reg. 15815, October 7, 1988
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
There were no differences between the proposal and final versions.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this Rule replace an emergency Rule currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes.
The Board has proposed amendments in Board Dockets R86-17(B), R87-6, R87-34, R87-35 and R88-22.

Illinois Register	
Section Numbers	Proposed Action
304.120	Amendment
304.123	Amendment
304.217	New Section
304.218	New Section
304.301	Amendment
Citation	
12 Ill. Reg. 18092	11/14/88
12 Ill. Reg. 7476	4/29/88
12 Ill. Reg. 8531	5/20/88
12 Ill. Reg. 8822	5/27/88
12 Ill. Reg. 14509	9/16/88

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rule:

The amendments to Part 304 are part of a proceeding, Board Docket R88-1, which was initiated to provide a vehicle for making minor amendments to the Board's rules and regulations. The amendments correct typographical and other minor problems which were contained in the rules. Other such amendments were adopted for Parts 301, 302, 305, and 309, and are contained in separate notices pertaining to those Parts. A description of the amendments is also contained in the Board's Opinion and Order of April 6, 1989, available upon request of the Clerk of the Board.

16) Information and questions regarding this adopted rule shall be directed to:

Michelle Tarallo
Illinois Pollution Control Board
P. O. Box 505
DeKalb, IL 60115
815/753-0947

The full text of the Adopted Rule begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 304

EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Nitrogen (STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS
NOT OF GENERAL APPLICABILITY

Section	
304.201	Wastewater Treatment Plant Discharges of the Metropolitan Sanitary District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.212	Sanitary District of Decatur Discharges
304.213	Union Oil Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges

Section	
304.201	Wastewater Treatment Plant Discharges of the Metropolitan Sanitary District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.212	Sanitary District of Decatur Discharges
304.213	Union Oil Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

304.216 Newton Station Suspended Solids Discharges
 304.219 North Shore Sanitary District Phosphorus Discharges
 304.220 East St. Louis Treatment Facility, Illinois-American Water Company

Section 304.104 Averaging

a) Except as otherwise specifically provided, proof of violation of the numerical standards of this Part shall be on the basis of one or more of the following averaging rules:

Section
 304.301 Exception for Ammonia Nitrogen Water Quality Violations
 304.302 City of Joliet East Side Wastewater Treatment Plant

1) No monthly average shall exceed the prescribed numerical standard.

2) No daily composite shall exceed two times the prescribed numerical standard.

3) No grab sample shall exceed five times the prescribed numerical standard.

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2 pars. 1013 and 1027).

b) Terms used in Section 304-104(a) subsection (a) shall have the following meanings:

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective June 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989.

d) Proof of violation of effluent limitations contained in permits shall be based on the language of the permit.

c) Section 304-104(a) Subsection (a) establishes a method of interpretation of the effluent standards of this Part. The Agency shall consider the averaging rule in deciding whether an applicant has demonstrated that a facility complies with this Part for purposes of permit issuance and in writing the effluent standards into permit conditions. Reporting and monitoring requirements are established by way of permit condition pursuant to Sections 35 Ill. Adm. Code 305.102 and 309.146.

3) A grab sample is a sample taken at a single time. Aliquots of a daily composite are grab samples only if they are analyzed separately.

2) A daily composite shall be the numerical average of all grab samples, or the result of analysis of a single sample formed by combining all aliquots, taken during a calendar day. A daily composite must be based on at least three grab samples or three aliquots taken at different times.

1) The monthly average shall be the numerical average of all daily composites taken during a calendar month. A monthly average must be based on at least three daily composites.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended in R88-1 at 13 Ill. Reg. 5976 effective April 18, 1989)

Section 304.124 Additional Contaminants

- a) No person shall cause or allow the concentration of the following constituents in any effluent to exceed the following levels, subject to the averaging rules contained in Section 304.104(a).

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/l
Arsenic	01002	0.25
Barium	01007	2.0
Cadmium	01027	0.15
Chromium (hexavalent)	01032	0.1
Chromium (total)	01034	1.0
Copper	01042	0.5
Cyanide	00720	0.10
Fluoride	00951	15.0
Iron (total)	01045	2.0
Lead	01051	0.2
Manganese	01055	1.0
Nickel	01067	1.0
Oils (hexane soluble or equivalent)	00550	15.0
Phenols	32730	0.3
Silver	01077	0.1
Zinc	01092	1.0
Total Suspended Solids	00530	15.0
(From sources other than those covered by Section 304.120)		

- b) Discharges of hexavalent chromium shall be subject to the averaging rule of Section 304.104 modified as follows: monthly averages shall not exceed 0.1 mg/l; daily composites shall not exceed 0.3 mg/l; and, grab samples shall not exceed 1.0 mg/l.
- c) Oil may be analytically separated into polar and nonpolar components. If such separation is done, neither of the components may exceed 15 mg/l (i.e. 15 mg/l polar materials and 15 mg/l nonpolar materials).
- d) Unless otherwise indicated, concentrations refer to the total amount of the constituent present in all phases,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

whether solid, suspended or dissolved, elemental or combined, including all oxidation states. Where constituents are commonly measured as other than total, the word "total" is inserted for clarity.

- e) The following table is provided for cross referencing purposes:

CONSTITUENT	SECTION(S)
Ammonia nitrogen	304.301, 304.122
Bacteria	304.121
Biochemical Oxygen Demand	304.120
Deoxygenating Wastes	304.120
Mercury	304.125 304.126
Nitrogen, ammonia	304.301, 304.122
pH	304.126 304.125
Phosphorus	304.123

(Source: Amended in R88-1 at 13 Ill. Reg. 5976 effective April 18, 1989)

Section 304.140 Delays in Upgrading (Repealed)

- a) All effluent standards required to be met on December 31, 1973 or December 31, 1974 and in response to Section 304.301 shall be met unless:

- 1- The discharger is eligible for a construction grant under Section 201(g) of the Clean Water Act; and,
- 2- The discharger has filed an application for a construction grant on or before December 31, 1975; and,
- 3- The discharger has timely taken all necessary pre-grant and post-grant actions appropriate to the specific grant step for which the discharger is then eligible;
- 4- The exemption provided in (a)(1), (a)(2) and (a)(3) above shall terminate upon completion of construction under the grant provided and compliance with the provisions of this Section shall thereafter be required.

- b) Nothing in paragraph (a) above shall limit the power of the Board to enter an abatement order pursuant to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 46 of the Act necessary to abate pollution of the waters of the State when the Board has found, as the result of an enforcement or variance case initiated under Titles VIII of IX of the Act, that the discharger is causing a violation of the Act or the regulations.

e) The following Sections were required to be met on December 31, 1973 or December 31, 1974:

Section	Old Rule Number	Date
304-120(e)	404(e)	December 31, 1973
304-120(d)	404(d)	December 31, 1974
304-121	405 (Discharges to Ohio and Mississippi Rivers only)	December 31, 1973
304-122(b)	406 (Second paragraph of old Rule 406 only)	December 31, 1974

(Source: Repealed at R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Introduction
- 2) Code Citation: 35 Ill. Adm. Code 301
- 3) Section Numbers:
301.200 Adopted Action:
301.260 Amendment
301.365 Amendment
301.430 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027.
- 5) Effective Date of Rule: April 18, 1989
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 6, 1988
- 9) Notice of Proposal Published in Illinois Register: 12 Ill. Reg. 15823, October 7, 1988.
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
The terms "following", "by", and "301.200 et seq." were deleted from Section 301.200. The words "which follow" were added to section 301.200. There were no other changes between the proposal and final version.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this Rule replace an emergency Rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Rule:
The amendments to Part 301 are part of a proceeding, Board Docket R88-1, which was initiated to provide a vehicle for making minor amendments to the Board's rules and regulations. The amendments correct typographical and other minor problems which were contained in the rules. Other such

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

amendments were adopted for Parts 302, 304, 305, and 309 and are contained in separate notices pertaining to those Parts. A description of the amendments is also contained in the Board's Opinion and Order of April 6, 1989, available upon request of the Clerk of the Board.

- 16) Information and questions regarding this adopted rule shall be directed to:

Michelle Tarallo
Illinois Pollution Control Board
P. O. Box 505
DeKalb, IL 60115
815/753-0947

The full text of the Adopted Rule begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 301
INTRODUCTION

Section	Authority
301.101	Policy
301.102	Repeals
301.103	Analytical Testing
301.104	References to Other Sections
301.105	Definitions
301.200	Act
301.205	Administrator
301.210	Agency
301.215	Aquatic Life
301.220	Artificial Cooling Lake
301.225	Basin
301.230	Board
301.235	CWA
301.240	Calumet River System
301.245	Chicago River System
301.250	Combined Sewer
301.255	Combined Sewer Service Area
301.260	Construction
301.265	Dilution Ratio
301.270	Effluent
301.275	Hearing Board
301.280	Industrial Wastes
301.285	Institute
301.290	Interstate Waters
301.295	Intrastate Waters
301.300	Land Runoff
301.305	Marine Toilet
301.310	Modification
301.315	New Source
301.320	NPDES
301.325	Other Wastes
301.330	Person
301.335	Pollutant
301.340	Population Equivalent
301.345	Pretreatment Works
301.350	Primary Contact
301.355	Public and Food Processing Water Supply
301.360	Publicly Owned Treatment Works
301.365	Publicly Regulated Treatment Works
301.370	Sanitary Sewer
301.375	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Secondary Contact

301.380 Sewage
 301.385 Sewer
 301.390 Sludge
 301.395 Standard of Performance
 301.400 STORET
 301.405 Storm Sewer
 301.410 Treatment Works
 301.415 Underground Waters
 301.420 Wastewater
 301.425 Wastewater Source
 301.430 Watercraft
 301.435 Waters
 301.440

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 5 Ill. Reg. 6384, effective May 28, 1981; codified at 5 Ill. Reg. 7818; amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989.

Section 301.200 Definitions

As used in Except as otherwise provided within individual Parts of this Chapter, the following terms defined by in the Sections 301-200 et seq. which follow shall have the meanings specified.

(Source: Amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989)

Section 301.260 Combined Sewer Service Area

Combined Sewer Service Area: Means a specific geographical drainage area served by a combined sewer system. Areas served by separate sewer systems which enter the combined system are not included. Undeveloped areas within a combined sewer service area may be included in that area if deemed appropriate by the Agency pursuant to the guidelines in Section 306-103(a), 35 Ill. Adm. Code 306.102.

(Source: Amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 301.365 Publicly Owned Treatment Works

Publicly Owned Treatment Works: A treatment works owned by a municipality, sanitary district, county or state or federal agency, and which treats domestic and industrial wastes collected by a publicly owned or regulated sewer system. Industrial treatment works which are publicly owned and financed by bond issues of public agencies are not included in this definition.

(Source: Amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989)

Section 301.430 Wastewater Source

Wastewater Source: Means any equipment, facility, or other source of any type whatsoever which discharges wastewater, directly or indirectly ~~except through a sewer tributary to a treatment works~~, to the waters of the State.

(Source: Amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Monitoring and Reporting
- 2) Code Citation: 35 Ill. Adm. Code 305
- 3) Section Numbers: Adopted Action:
305.102 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027.
- 5) Effective Date of Rule: April 18, 1989
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 6, 1988
- 9) Notice of Proposal Published in Illinois Register:
12 Ill. Reg. 15835 (October 7, 1988).
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
There were no differences between the proposal and final versions.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this Rule replace an emergency Rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Rule:

The amendments to Part 305 are part of a proceeding, Board Docket R88-1, which was initiated to provide a vehicle for making minor amendments to the Board's rules and regulations. The amendments correct typographical and other minor problems which were contained in the rules. Other such amendments were adopted for Parts 301, 302, 304, and 309, and are contained in separate notices pertaining to those Parts. A description of the amendments is also contained in the Board's Opinion and Order of April 6, 1989, available upon request of the Clerk of the Board.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted rule shall be directed to:

Michelle Tarallo
Illinois Pollution Control Board
P. O. Box 505
DeKalb, IL 60115
815/753-0947

The full text of the Adopted Rule begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 305

MONITORING AND REPORTING

Section

305.101

Preamble

305.102

Reporting Requirements

305.103

Effluent Measurement

APPENDIX A

References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 8 Ill. Reg. 1604, effective January 18, 1984; amended in R88-1 at 13 Ill. Reg. 5989, effective April 18, 1989.

Section 305.102 Reporting Requirements

- a) Every person within this State operating a pretreatment works, treatment works, or wastewater source shall submit operating reports to the Agency at a frequency to be determined by the Agency. "Agency" means the Illinois Environmental Protection Agency. Such reports shall contain information regarding the quantity of influent and of effluent discharged, of wastes bypassed and of combined sewer overflows; the concentrations of those physical, chemical, bacteriological and radiological parameters which shall be specified by the Agency; and any additional information the Agency may reasonably require. This reporting requirement for pretreatment works shall only apply to those pretreatment works which:

- 1) Discharge toxic pollutants, as defined in Section 502(13) of the CWA Clean Water Act, or pollutants which may interfere with the treatment process, into the receiving treatment works or are subject to regulations promulgated under Section 307 of the Clean Water Act (CWA): (33 U.S.C. 1251 et seq.); or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) Discharge 15% or more of the total hydraulic flow received by the treatment works; or
- 3) Discharge 15% or more of the total biological loading received by the treatment works as measured by 5-day biochemical oxygen demand.
- b) Every holder of an NPDES (National Pollutant Discharge Elimination System) permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this chapter.
- c) Compliance with the reporting requirements of 35 Ill. Adm. Code 310 satisfies this reporting requirement.

(Source: Amended in R88-1 at 13 Ill. Reg. 5989, effective April 18, 1989)

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 309
- 3) Section Numbers: Adopted Action:
309.281 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2,
pars. 1013 and 1027.
- 5) Effective Date of Rule: April 18, 1989
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 6, 1988
- 9) Notice of Proposal Published in Illinois Register:
12 Ill. Reg. 15839 (October 7, 1988).
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
There were no differences between the proposal and final version.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this Rule replace an emergency Rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Rule:

The amendments to Part 309 are part of a proceeding, Board Docket R88-1, which was initiated to provide a vehicle for making minor amendments to the Board's rules and regulations. The amendments correct typographical and other minor problems which were contained in the rules. Other such amendments were adopted for Parts 301, 302, 304, and 305, and are contained in separate notices pertaining to those Parts. A description of the amendments is also contained in the Board's Opinion and Order of April 6, 1989, available upon request of the Clerk of the Board.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35 ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 309
PERMITS

SUBPART A: NPDES PERMITS

Section	
309.101	Preamble
309.102	NPDES Permit Required
309.103	Application - General
309.104	Renewal
309.105	Authority to Deny NPDES Permits
309.106	Access to Facilities and Further Information
309.107	Distribution of Applications
309.108	Tentative Determination and Draft Permit
309.109	Public Notice
309.110	Contents of Public Notice of Application
309.111	Combined Notices
309.112	Agency Action After Comment Period
309.113	Fact Sheets
309.114	Notice to Other Governmental Agencies
309.115	Public Hearings on NPDES Permit Applications
309.116	Notice of Agency Hearing
309.117	Agency Hearing
309.118	Agency Hearing File
309.119	Agency Action After Hearing
309.141	Terms and Conditions of NPDES Permits
309.142	Water Quality Standards and Waste Load Allocation
309.143	Effluent Limitations
309.144	Federal New Source Standards of Performance
309.145	Duration of Permits
309.146	Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements
309.147	Authority to Apply Entry and Inspection Requirements
309.148	Schedules of Compliance
309.149	Authority to Require Notice of Introduction of Pollutants into Publicly Owned Treatment Works
309.150	Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act
309.151	Maintenance and Equipment
309.152	Toxic Pollutants
309.153	Deep Well Disposal of Pollutants (Repealed)
309.154	Authorization to Construct
309.155	Sewage Sludge Disposal
309.156	Total Dissolved Solids Reporting and Monitoring

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

309.181	Appeal of Final Agency Action on a Permit Application
309.182	Authority to Modify, Suspend or Revoke Permits
309.183	Revision of Schedule of Compliance
309.184	Permit Modification Pursuant to Variance
309.185	Public Access to Information
309.191	Effective Date

SUBPART B: OTHER PERMITS

Section	
309.201	Preamble
309.202	Construction Permits
309.203	Operating Permits; New or Modified Sources
309.204	Operating Permits; Existing Sources
309.205	Joint Construction and Operating Permits
309.206	Experimental Permits
309.207	Former Permits (Repealed)
309.208	Permits for Sites Receiving Sludge for Land Application
309.221	Applications - Contents
309.222	Applications - Signatures and Authorizations
309.223	Applications - Registered or Certified Mail
309.224	Applications - Time to Apply
309.225	Applications - Filing and Final Action by Agency
309.241	Standards for Issuance
309.242	Duration of Permits Issued Under Subpart B
309.243	Conditions
309.244	Appeals from Conditions in Permits
309.261	Permit No Defense
309.262	Design, Operation and Maintenance Criteria
309.263	Modification of Permits
309.264	Permit Revocation
309.265	Approval of Federal Permits
309.266	Procedures
309.281	Effective Date
309.282	Severability

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1013.3 and 1027).

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495 effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989.

Section 309.281 Effective Date

- a) The effective date of this Subpart B shall be the date of filing with the Secretary of State on an emergency basis is March 7, 1972.
- b) Notwithstanding (a) above, Section 309.208 shall become effective at such time as the Agency adopts criteria to administer the permit program contained therein- became effective with adoption by the Agency of 35 Ill. Adm. Code 391 on December 14, 1983.

(Source: Amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 302
- 3) Section Numbers: Adopted Action:

302.211 Amendment
302.304 Amendment
302.504 Amendment
302.507 Amendment
302.509 Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027.

- 5) Effective Date of Rule: April 18, 1989

- 6) Does this rulemaking contain an automatic repeal date?: No

- 7) Does this Rule contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: April 6, 1988

- 9) Notice of Proposal Published in Illinois Register: 12 Ill. Reg. 15844, October 7, 1988.

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

There were no differences between the proposal and final version.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

- 13) Will this Rule replace an emergency Rule currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and Purpose of Rule:

The amendments to Part 302 are part of a proceeding, Board Docket R88-1, which was initiated to provide a vehicle for making minor amendments to the Board's rules and regulations. The amendments correct typographical and other minor problems which were contained in the rules. Other such

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

amendments were adopted for Parts 301, 304, 305, and 309, and are contained in separate notices pertaining to those Parts. A description of the amendments is also contained in the Board's Opinion and Order of April 6, 1989, available upon request of the Clerk of the Board.

- 16) Information and questions regarding this adopted rule shall be directed to:

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The full text of the Adopted Rule begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 302
WATER QUALITY STANDARDS

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section
302.101
302.102
302.103
302.104
302.105

Scope and Applicability
Mixing Zones
Stream Flows
Main River Temperatures
Nondegradation

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section
302.201
302.202
302.203
302.204
302.205
302.206
302.207
302.208
302.209
302.210
302.211
302.212

Scope and Applicability
Purpose
Unnatural Sludge
pH
Phosphorus
Dissolved Oxygen
Radioactivity
Chemical Constituents
Fecal Coliform
Substances Toxic to Aquatic Life
Temperature
Ammonia Nitrogen and Un-ionized Ammonia

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section
302.301
302.302
302.303
302.304
302.305
302.306

Scope and Applicability
Algicide Permits
Finished Water Standards
Chemical Constituents
Other Contaminants
Fecal Coliform

SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS

Section
302.401
302.402
302.403

Scope and Applicability
Purpose
Unnatural Sludge

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 302.404 pH
 302.405 Dissolved Oxygen
 302.406 Fecal Coliform (Repealed)
 302.407 Chemical Constituents
 302.408 Temperature
 302.409 Cyanide
 302.410 Substances Toxic to Aquatic Life

SUBPART E: LAKE MICHIGAN WATER QUALITY STANDARDS

- Section
 302.501 Scope and Applicability
 302.502 Dissolved Oxygen
 302.503 pH
 302.504 Chemical Constituents
 302.505 Fecal Coliform
 302.506 Temperature
 302.507 Existing Sources on January 1, 1971
 302.508 Sources under Construction But Not in Operation on January 1, 1971
 302.509 Other Sources

- Appendix A References to Previous Rules
 Appendix B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818, effective June 22, 1982; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended in R85-29 at 12 Ill. Reg. 9911, effective May 27, 1988; amended in R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989.

Section 302.211 Temperature

- a) Temperature has STORET number (F°) 00011 and (C°) 00010.
 b) There shall be no abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- c) The normal daily and seasonal temperature fluctuations which existed before the addition of heat due to other than natural causes shall be maintained.
 d) The maximum temperature rise above natural temperatures shall not exceed 2.8°C (5°F).
 e) In addition, the water temperature at representative locations in the main river shall not exceed the maximum limits in the following table during more than one percent of the hours in the 12-month period ending with any month. Moreover, at no time shall the water temperature at such locations exceed the maximum limits in the following table by more than 1.7°C (3°F).

	OC	OF	OC	OF
JAN.	16	60	JUL.	32
FEB.	16	60	AUG.	32
MAR.	16	60	SEPT.	32
APR.	32	90	OCT.	32
MAY	32	90	NOV.	32
JUNE	32	90	DEC.	16

- f) The owner or operator of a source of heated effluent which discharges ~~15,000~~ 150 megawatts (0.5 billion British thermal units per hour) or more shall demonstrate in a hearing before this Pollution Control Board (Board) not less than 5 nor more than 6 years after the effective date of these regulations or, in the case of new sources, after the commencement of operation, that discharges from that source have not caused and cannot be reasonably expected to cause significant ecological damage to the receiving waters. If such proof is not made to the satisfaction of the Board appropriate corrective measures shall be ordered to be taken within a reasonable time as determined by the Board.
 g) Permits for heated effluent discharges, whether issued by the Board or the Illinois Environmental Protection Agency (Agency), shall be subject to revision in the event that reasonable future development creates a need for reallocation of the assimilative capacity of the receiving stream as defined in the regulation above.
 h) The owner or operator of a source of heated effluent shall maintain such records and conduct such studies of the effluents from such sources and of their effects as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- may be required by the Agency or in any permit granted under the Illinois Environmental Protection Act (Act).
- i) Appropriate corrective measures will be required if, upon complaint filed in accordance with Board rules, it is found at any time that any heated effluent causes significant ecological damage to the receiving stream.
- j) All effluents to an artificial cooling lake must comply with the applicable provisions of the thermal water quality standards as set forth in Section 302-211 this Section and Part 35 Ill. Adm. Code 303, except when all of the following requirements are met:

- 1) All discharges from the artificial cooling lake to other waters of the State comply with the applicable provisions of Sections 302-211(b) through 302-211(e), subsections (b) through (e).
- 2) The heated effluent discharged to the artificial cooling lake complies with all other applicable provisions of this Chapter, except Sections 302-211(b) through 302-211(e), subsections (b) through (e).
- 3) At an adjudicative hearing the discharger shall satisfactorily demonstrate to the Board that the artificial cooling lake receiving the heated effluent will be environmentally acceptable, and within the intent of the Act, including, but not limited to:
 - A) provision of conditions capable of supporting shellfish, fish and wildlife, and recreational uses consistent with good management practices, and
 - B) control of the thermal component of the discharger's effluent by a technologically feasible and economically reasonable method.
- 4) The required showing in Section 302-211(f)(3) subsection (j)(3) may take the form of an acceptable final environmental impact statement or pertinent provisions of the environmental assessments used in the preparation of the final environmental impact statement, or may take the form of a showing pursuant to Section 316(a) of the Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), which addresses the requirements of Section 302-211(f)(3), subsection (j)(3).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 5) If an adequate showing as provided in Section 302-211(f)(3) subsection (j)(3) is found, the Board shall promulgate specific thermal standards to be applied to the discharge to that artificial cooling Lake.

(Source: Amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989)

Section 302.304 Chemical Constituents

The following levels of chemical constituents shall not be exceeded:

CONSTITUENT	STORET NUMBER	CONCENTRATION (mg/l)
Arsenic (total)	01002	0.05
Barium (total)	01007	1.0
Cadmium (total)	01027	0.010
Chloride	00940	250.
Chromium	01034	0.05
Lead (total)	01051	0.05
Manganese (total)	01055	0.15
Nitrate-Nitrogen	00620	10.
Oil (hexane-solubles or equivalent)	00550, 00556 or 00560	0.1
Organics		
Pesticides		
Chlorinated Hydrocarbon		
Insecticides		
Aldrin	39330	0.001
Chlordane	39350	0.003
DDT	39370	0.05
Dieldrin	39380	0.001
Endrin	39390	0.0002
Heptachlor	39410	0.0001
Heptachlor Epoxide	39420	0.0001
Lindane	39782	0.004
Methoxychlor	39480	0.1
Toxaphene	39400	0.005
Organophosphate Insecticides		
Parathion	39540	0.1
Chlorophenoxy Herbicides		
2,4-Dichlorophenoxyacetic acid (2,4-D)	39730	0.1
2-(2,4,5-Trichlorophenoxy)-		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

propionic acid (2,4,5-TP or Silvex)	39760	0.01
Phenols	32730	0.001
Selenium (total)	01147	0.01
Sulfates	00945	250.
Total Dissolved Solids	70300	500.

(Source: Amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989)

Section 302.504 Chemical Constituents

The following levels of chemical constituents shall not be exceeded:

CONSTITUENT	STORET NUMBER	CONCENTRATION (mg/l)
Ammonia Nitrogen	00610	0.02
Chloride	00940	12.0
Sulfate	00945	24.0
Phosphorus (as P)	00665	0.007
Total Solids (Dissolved)	70300	180.0
Cyanide (total)	00720	0.025

(Source: Amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989)

Section 302.507 Existing Sources on January 1, 1971

- a) All sources of heated effluents in existence as of January 1, 1971, shall meet the following restrictions outside of a mixing zone which shall be no greater than a circle with a radius of 305 m (1000 feet) or an equal fixed area of simple form.
- There shall be no abnormal temperature changes that may affect aquatic life.
 - The normal daily and seasonal temperature fluctuations that existed before the addition of heat shall be maintained.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) The maximum temperature rise at any time above natural temperatures shall not exceed 1.7°C (3°F). In addition, the water temperature shall not exceed the maximum limits indicated in the following table:

	OC	OF	OC	OF
JAN.	45	7	45	80
FEB.	45	7	45	80
MAR.	45	7	45	80
APR.	55	13	55	80
MAY.	60	16	60	80
JUN.	70	21	70	80
JUL.	80	27	80	80
AUG.	80	27	80	80
SEPT.	80	27	80	80
OCT.	65	18	65	80
NOV.	60	16	60	80
DEC.	50	10	50	80

- b) The owner or operator of a source of heated effluent which discharges 15,000 150 megawatts (0.5 billion British thermal units per hour) or more shall demonstrate in a hearing before this Board not less than 5 nor more than six years after the adoption of this regulation, that discharges from that source have not caused and cannot be reasonably expected in future to cause significant ecological damage to the Lake. If such proof is not made to the satisfaction of the Board, backfitting of alternative cooling devices shall be accomplished within a reasonable time as determined by the Board.

(Source: Amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989)

Section 302.509 Other Sources

- a) No source of heated effluent which was not in operation or under construction as of January 1, 1971, shall discharge more than a daily average of 2900 29 megawatts (0.1 billion British thermal units per hour).
- b) Sources of heated effluents which discharge less than a daily average of 2900 29 megawatts (0.1 billion British thermal units per hour) not in operation or under construction as of January 1, 1971, shall meet all requirements of sections 302.507 and 302.508.

(Source: Amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Adopted Action:

113.5 New Section
113.253 Amendment
113.260 Amendment

4) Statutory Authority:

89 Ill. Adm. Code 113.5

Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-13) and Section 6.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, Ch. 127, Par. 1006.02)

89 Ill. Adm. Code 113.253 and 113.260

Sections 3-1.2, 3-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1.2, 3-5 and 12-13)

5) Effective Date of Amendments: April 14, 1989

6) Does this rulemaking contain an automatic repeal date?
Yes No X

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 14, 1989

9) Notices of Proposal Published in Illinois Register:

89 Ill. Adm. Code 113.5

December 16, 1988 (12 Ill. Reg. 20654)

89 Ill. Adm. Code 113.253 and 113.260

December 30, 1988 (12 Ill. Reg. 22299)

10) Has JCAR issued a Statement of Objections to these rules?
No

11) Differences between proposal and final version:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

89 Ill. Adm. Code 113.5

No substantive changes were made to the text of the rule.

89 Ill. Adm. Code 113.253 and 113.260

Based on a comment received from the Administrative Code Division, Secretary of State's office, the comma at line 4 of Section 113.253(a) is deleted.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?

89 Ill. Adm. Code 113.5

No

89 Ill. Adm. Code 113.253 and 113.260

Yes

14) Are there any amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
113.130	Amendment	September 30, 1988 (12 Ill. Reg. 15475)
113.157	New Section	April 21, 1989 (13 Ill. Reg. 5440)
113.302	Amendment	April 7, 1989 (13 Ill. Reg. 4481)

15) Summary and Purpose of Amendments:

89 Ill. Adm. Code 113.5

This new Section explains how incorporation by reference applies to 89 Ill. Adm. Code 113. Under this rule, rules and regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference are incorporated as of the date

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

specified, and later amendments or editions are not included.

89 Ill. Adm. Code 113.253 and 113.260

This rule revises the grant adjustment allowance and shelter care rates as a result of the increase in Social Security benefits. The Department is required under federal regulations to "pass-on" to AABD recipients the amount of the SSI cost of living increase. The Department does this by increasing the grant adjustment allowance, except for shelter care resident. For shelter care residents, the Department increases the shelter care rate (20 CFR 416.2095 - 416.2098).

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris II Building
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1
113.5

Description of the Assistance Program
Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9
113.10
113.20
113.30
113.40
113.50
113.60
113.70
113.80

Client Cooperation
Citizenship
Residence
Age
Blind
Disabled
Living Arrangement
Institutional Status
Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100
113.101
113.102
113.103
113.104
113.105
113.106
113.107
113.111
113.112
113.113
113.114
113.115
113.116
113.117
113.118

Unearned Income
Budgeting Unearned Income
Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
Initial Receipt of Unearned Income
Termination of Unearned Income
Unearned Income In-Kind
Earmarked Income
Lump Sum Payments and Income Tax Refunds
Protected Income
Earned Income
Budgeting Earned Income
Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
Initial Employment
Budgeting Earned Income For Contractual Employees
Budgeting Earned Income For Non-contractual School Employees
Termination of Employment

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section	
113.120	Exempt Earned Income
113.122	Non-Exempt Unearned Income
113.125	Recognized Employment Expenses
113.130	Income From Work/Study/Training Programs
113.131	Earned Income From Self-Employment
113.132	Earned Income From Roomer and Boarder
113.133	Earned Income From Rental Property
113.134	Earned Income In-Kind
113.139	Payments from the Illinois Department of Children and Family Services
113.140	Assets
113.141	Exempt Assets
113.142	Asset Disregard
113.143	Deferral of Consideration of Assets
113.154	Property Transfers
113.156	Court Ordered Child Support Payments of Parent/Step-Parent
113.160	Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section	
113.245	Payment Levels for AABD
113.246	Personal Allowance
113.247	Personal Allowance Amounts
113.248	Shelter
113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care Rates

SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance
113.303	Special Needs Authorizations

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section	
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.320	Redetermination of Eligibility
113.500	Attorney's Fees for SSI Appellants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 1241, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20380, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7637, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 117849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989.

Section 113.5 Incorporation By Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this part are incorporated as of the date specified, and do not include any later amendments or editions.

(Source: Added at 13 Ill. Reg. 6007, effective April 14, 1989)

Section 113.253 Allowances for Increase in SSI Benefits

- a) An allowance for \$775-90 \$189.90 is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 113.253 Allowances for Increase in SSI Benefits
(Cont'd.)

amount of the SSI increase from July 1977 and later will be available to clients.

- b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10.00 is authorized. Individuals receiving Interim Assistance or residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 13 Ill. Reg. 6007, effective April 14, 1989)

Section 113.260 Sheltered Care Rates

Group II Counties	Needs Assessment	Group III Counties
<u>\$481-30</u>	<u>0-7</u>	<u>\$493-30</u>
<u>486-30</u>	<u>8</u>	<u>499-30</u>
<u>491-30</u>	<u>9</u>	<u>505-30</u>
<u>496-30</u>	<u>10</u>	<u>511-30</u>
<u>501-30</u>	<u>11</u>	<u>517-30</u>
<u>506-30</u>	<u>12</u>	<u>523-30</u>
<u>511-30</u>	<u>13</u>	<u>529-30</u>
<u>516-30</u>	<u>14</u>	<u>535-30</u>
<u>521-30</u>	<u>15</u>	<u>541-30</u>
<u>526-30</u>	<u>16</u>	<u>547-30</u>
<u>531-30</u>	<u>17</u>	<u>553-30</u>
<u>536-30</u>	<u>18</u>	<u>559-30</u>
<u>541-30</u>	<u>19</u>	<u>565-30</u>

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 113.260 Sheltered Care Rates (cont'd.)

<u>546-30</u>	<u>20</u>	<u>571-30</u>
<u>551-30</u>	<u>21</u>	<u>577-30</u>
<u>556-30</u>	<u>22</u>	<u>583-30</u>
<u>561-30</u>	<u>23</u>	<u>589-30</u>
<u>566-30</u>	<u>24</u>	<u>595-30</u>

a) Group II Counties are counties other than Cook, DuPage, Kane, Lake and Will.

b) Group III Counties are Cook, DuPage, Kane, Lake and Will.

c) Rate includes shelter factor and approved activity and social rehabilitation programs.

Agency Note: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at 13 Ill. Reg. 6007, effective April 14, 1989)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Adopted Action:

112.5 New Section
112.78 Amendment

4) Statutory Authority:

89 Ill. Adm. Code 112.5

Sections 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-13) and Section 6.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, Ch. 127, Par. 1006.02)

89 Ill. Adm. Code 112.78

Sections 9-6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 9-6 and 12-13)

5) Effective Date of Amendments: April 14, 1989

6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 14, 1989

9) Notice of Proposal Published in Illinois Register:

89 Ill. Adm. Code 112.5

December 16, 1988 (12 Ill. Reg. 20661)

89 Ill. Adm. Code 112.78

December 30, 1988 (12 Ill. Reg. 22308)

10) Has JCAR issued a Statement of Objections to this rule? No

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

11) Difference(s) between proposal and final version:

89 Ill. Adm. Code 112.5

No substantive changes were made to the text of the rule.

89 Ill. Adm. Code 112.78

Based on a comment received from the Administrative Code Division, Secretary of State's Office, at line 5 of Section 112.78(g), the phrase "these rules" is changed to "this Part".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.40	Amendment	February 17, 1989 (13 Ill. Reg. 1948)
112.98	Amendment	February 24, 1989 (13 Ill. Reg. 2236)
112.318	New Section	March 31, 1989 (13 Ill. Reg. 4116)

15) Summary and Purpose of Amendments:

89 Ill. Adm. Code 112.5

This new section explains how incorporation by reference applies to 89 Ill. Adm. Code Part 112. Under this rule, rules and regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference are incorporated as of the date specified, and later amendments or editions are not included.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

89 Ill. Adm. Code 112.78

This rulemaking deletes references to the Project Chance Work Experience pool.

- 16) Information and questions regarding this Adopted Amendments shall be directed to:

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Office of the General Counsel

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The full text of the Adopted Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
112.1
112.5

Description of the Assistance Program
Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8
112.9
112.10
112.20
112.30
112.40
112.50
112.52
112.54
112.60
112.61
112.62
112.63
112.64

Caretaker Relative
Client Cooperation
Citizenship
Residence
Age
Relationship
Living Arrangement
Social Security Numbers
Assignment of Medical Support Rights
Lack of Parental Support or Care
Death of a Parent
Incapacity of a Parent
Continued Absence of a Parent
Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section
112.70
112.71
112.72
112.73
112.74
112.76
112.77
112.78
112.79
112.80

Registration Requirements For Project Chance
Individuals Exempt From Project Chance
Project Chance Participation/Cooperation Requirements
Failure to Participate with the Work Incentive
Demonstration Program (Renumbered)
Project Chance Full Assessment Process/Development of
an Employment Plan
Project Chance Orientation
Illinois Work Experience Program Evaluation Project
(Renumbered)
Project Chance Components
Project Chance Sanctions
Good Cause for Failure to Comply With Project Chance
Participation Requirements

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section

112.81 Good Cause For Failure to Cooperate With Support Enforcement (Recodified)
 112.82 Project Chance Supportive Services
 112.83 Employment Child Care
 112.84 Work Experience Evaluation Project
 112.85 Four Year College/Vocational Training Demonstration Project

Section
 112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees

112.137 Termination of Employment

112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income From Work/Study/Training Program
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers
 112.155 AFDC Income Limit

SUBPART E: PROJECT ADVANCE

Section

112.86 Project Advance
 112.87 Project Advance Experimental and Control Groups
 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
 112.90 Project Advance Sanctions
 112.91 Good Cause for Failure to Comply with Project Advance
 112.92 Individuals Exempt From Project Advance
 112.93 Project Advance Supportive Services

SUBPART F: WORK SUPPLEMENTATION PROGRAM

Section

112.98 Work Supplementation Program

SUBPART H: PAYMENT AMOUNTS

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100 Unearned Income
 112.101 Unearned Income of Stepparent, Parent or Legal Guardian
 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earmarked Income
 112.127 Lump Sum Payments
 112.128 Protected Income
 112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income

Section

112.250 Grant Levels
 112.251 Payment Levels in AFDC
 112.252 Payment Levels in AFDC Group I Counties
 112.253 Payment Levels in AFDC Group II Counties
 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section

112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Monthly Reporting
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
 112.309 Institutional Status

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- Section
 112.315 Young Parent Program
 112.320 Redetermination of Eligibility
 112.320 Six Month Extension of Medical Assistance Due to
 112.330 Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to
 Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned
 Income Disregard

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 1989, effective October 1, 1984; amended at 8 Ill. Reg. 1993, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 2166, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 112.5 Incorporation By Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

(Source: Added at 13 Ill. Reg. 6017, effective April 14, 1989)

Section 112.78 Project Chance Components

a) Intensive Job Search

- 1) All mandatory registrants must participate in the Intensive Job Search (IJS) component of Project Chance unless they are approved to participate in another Project Chance component based on the eligibility criteria of that component. During the IJS component, the mandatory registrant must actively contact employers in his efforts to secure employment and is provided by Project Chance with job seeking skills exercises. Mandatory registrants must make twenty (20) acceptable employer contacts every thirty (30) days and must attend all scheduled meetings including pre-arranged Job Skills Workshops

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

conducted by other than Project Chance staff. The mandatory registrant will be notified in writing of all scheduled meetings. The content of the meetings includes a discussion of the mandatory registrant's progress in completing the participation requirements, and job seeking skills exercises. The failure of a mandatory registrant to appear for scheduled meetings or contact the required number of employers without good cause will constitute noncooperation.

- 2) Those mandatory registrants who have not found a job, but have demonstrated employability will continue in IJS. Employability is demonstrated by the mandatory registrant's education, training, employment history and experience in the IJS component.

b) Modified Job Search

Mandatory registrants who appear to have limited potential for employment will be placed in Modified Job Search (MJS). The Modified Job Search component is for mandatory registrants who continue to remain nonexempt but for whom structured job search or training is inappropriate because they have particular barriers to obtaining and retaining employment. Mandatory registrants are expected continue their own job search activities while assigned to this component.

1) Eligibility Criteria

- A) Mandatory registrants are placed in MJS if they possess particular barriers to obtaining and retaining employment such as: limited abilities and aptitudes (as determined by the mandatory registrant's education background, employment history and experience during the IJS component).
- B) Mandatory registrants are placed in MJS if they are employed part-time and there are reasons to believe that it will lead to full-time employment (as determined by contact with the employer).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

2) Entry into the Component

Assignment of mandatory registrants to MJS may be made subsequent to participation in IJS and the full assessment. However, assignment of mandatory registrants to MJS can also be made from other Project Chance components at any time the mandatory registrant meets the eligibility criteria of MJS.

3) Participation Requirements

- A) Mandatory registrants must continue to seek employment;
- B) Mandatory registrants are not required to make more than five (5) acceptable employer contacts per month; and
- C) Mandatory registrants must report to their Project Chance worker any change that will affect their eligibility for AFDC and their status in Project Chance and keep all scheduled meetings with their Project Chance worker.

4) Reassessment

Cases in MJS are reviewed at a minimum of every six months. The review may be handled by mail. However, based on such review of a mandatory registrant's employability, the Project Chance worker may schedule an appointment with the mandatory registrant to determine the mandatory registrant's continued eligibility for this component. After such review if it is determined that this is not the appropriate component (i.e., the mandatory registrant no longer satisfies the eligibility criteria specified in subsection (b)(1)), the mandatory registrant will be reassigned to another component of Project Chance (i.e., Intensive Job Search, Job Club, Pre-Employment, Work Experience, or Special Projects).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

c) Pre-Employment

Mandatory registrants who are determined not readily employable with their current skills or employed and in need of further training are referred to the Pre-Employment component. In the Pre-Employment component, Project Chance staff provide information, referral, counseling services and supportive services to mandatory registrants to increase mandatory registrants' employment potential. Mandatory registrants may be referred to testing, counseling and education resources, rehabilitation therapy, and agencies or programs which sponsor such activities (i.e., Job Training Partnership Act (JTPA) and Department of Rehabilitation Services (DORS)).

1) Eligibility Criteria

Approval of education and training plans is based upon the Department's assessment that:

- A) The mandatory registrant does not possess a high school diploma or a GED certificate or possesses one and is in need of further training (e.g., a Day Care Aide who must obtain further education to satisfy the requirements for that position); and
- B) The program selected will make the mandatory registrant employable (see subsection (a)(2)), taking into consideration the time required to complete, the over-all cost and quality of the program; and
- C) The mandatory registrant is enrolled in post-secondary education or in a vocational training program for which jobs will be available upon completion of training (as determined by the Department of Employment Security's Job Service Division and/or other documented and reliable sources [e.g., Horizons, Department of Commerce and Community Affairs and/or the placement officer at an educational institution or facility]); and

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

- D) The mandatory registrant has the aptitude, ability and interest necessary for success in the particular education or training program (as determined by such factors as test results, educational background and previous training); and
- E) Enrollment cannot be in a baccalaureate or post-graduate degree program unless the mandatory registrant is in a Department of Rehabilitation Services sponsored program of this type; and
- F) The program must be administered by an educational institution accredited by the Illinois State Board of Education or the Department of Registration and Education or is a JTPA or Special Projects-funded program; and
- G) The mandatory registrant must apply for the Pell grant and scholarships from the Illinois State Scholarship Commission, as well as, any scholarships or grants identified by the education or training facility for which the mandatory registrant may be eligible; and
- H) Mandatory registrants must participate in a full-time program unless:
 - i) a full-time program is not readily available (e.g., a full-time GED program is not available); or
 - ii) a part-time program is the most appropriate (e.g., the mandatory registrant who only needs a four (4) hour course to complete); and
- I) Employed mandatory registrants may participate in programs to upgrade their employability potential (e.g., a Nurse Aide who must obtain further training to satisfy the requirements for that position).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

2) Entry into the Component

The assignment into the Pre-Employment component results from the joint employment plan developed by the mandatory registrant and the Project Chance worker. Mandatory registrant enter this component:

- A) Subsequent to the completion of the IJS period; or
- B) After the reclassification of a mandatory registrant in MJS; or
- C) If mandatory registrants are in an acceptable Pre-Employment activity (see subsection (c)(1)) at the time of registration with Project Chance; or
- D) Part-time, while in other components.

3) Participation Requirements

- A) The mandatory registrant must maintain a level of satisfactory attendance and progress as established and reported by the educational facility.
- B) Curriculum changes can be made only with the prior written approval of the Project Chance worker. Prior approval will be granted when the curriculum change is consistent with the written goals of the training program.
- C) Verification of attendance and progress (i.e., statements signed by the instructor, educational records and reports prepared at the end of the term. Additionally, if the Department is paying for child care and/or transportation to enable the client to participate in the Pre-Employment activity, the client must provide monthly verification of his attendance) must be provided.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

4) Reassessment

The Project Chance worker contacts mandatory registrants on a monthly basis if the supportive service payments identified in Section 112.82 are being issued. Mandatory registrants not requiring supportive service payments or receiving these payments from another source require a contact every six (6) months or at program completion whichever comes first. Mandatory registrant contact consists of attendance reports, progress reports, group or individual meetings, on-site program visits, and written correspondence.

d) Job Club

Mandatory registrants who are determined employable but who are in need of highly intensified job search skills are referred to Job Club (i.e., Job Clubs conducted by Job Training Partnership Act (JTPA) and Adult Education Programs). Job Clubs are programs designed to facilitate job search activities. Job Club utilizes a highly intensive and positive group process approach to teach job finding techniques. Job search activities must be equivalent to those required in the IJS component.

1) Eligibility Criteria

The Job Club component is for mandatory registrants determined to be:

- A) Employable (see subsection (a)(2)), with a marketable skill (i.e., a skill for which jobs are available as determined by such sources as the Department of Employment Security); and
- B) Able to benefit from a highly intensive and structured approach to job seeking (e.g., the mandatory registrant is in need of job seeking skills); or

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

- C) Interested in the technique employed.
- 2) Entry into the Component
- As Job Club slots become available, mandatory registrants are assigned to this component. Those mandatory registrants having the most recent employment, taking into consideration such factors as the mandatory registrant's work history, will be assigned first.

3) Participation Requirements

- A) Non-exempt mandatory registrants assigned to this component must cooperate as required by the Job Club to avoid sanction.
- B) As in IJS, the mandatory registrant is required to make twenty (20) acceptable employer contacts (or more contacts, if required by Job Club) in a thirty (30) day period.
- C) Mandatory registrants must provide required proof of acceptable employer contacts (see subsection (a)(1)) to Job Club staff.
- D) Mandatory registrants are expected to be in full-time attendance as defined by the Job Club.

4) Reassessment

- A) Mandatory registrants are contacted on a monthly basis to determine full-time attendance and the need for supportive services (see Section 112.82). Contact need not be face-to-face. After such review, the Project Chance worker may schedule a meeting with the mandatory registrant to determine the mandatory registrant's continued eligibility for this component. After such contact, if it is determined by the mandatory registrant and the Project Chance worker the mandatory registrant no longer

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

satisfies the eligibility criteria specified in subsection (d)(1), the mandatory registrant will be reassigned to another component of Project Chance.

- B) Job Club staff shall advise the Project Chance worker of less than satisfactory attendance and participation as the situation arises.

e) Work Experience

Mandatory registrants who have not found employment and who need orientation to work, work experience or training, in order to prevent deterioration of or to enhance existing skills are referred to the Work Experience component. Work Experience assignments are with not-for-profit and public agencies statewide. Not-for profit and public agencies shall not use Work Experience mandatory registrants to displace regular employees.

1) Eligibility Criteria

The Work Experience component is for mandatory registrants determined:

- A) to have no recent work history or employer references taking into consideration such factors as the mandatory registrant's educational background and previous training; or
- B) to need experience to prevent deterioration of or to enhance existing skills (e.g., typing); and
- C) not to be exempt from participation. An individual shall be exempt from Work Experience participation when that individual:
- i) is employed at least eight (8) hours per week; or

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.78

Project Chance Components (Cont'd.)

- ii) is a member of an AFDC assistance unit receiving less than \$134.00 monthly.

2) Entry into the Component

- A) Assignment to the Work Experience component occurs after the Intensive Job Search period has been completed unless the mandatory registrant is participating in another Project Chance component. Mandatory registrants who do not obtain employment at the end of the Intensive Job Search period and are determined to be eligible for the Work Experience component, based on an assessment of their education, training and employment history, will be assigned to the Work Experience ~~peer~~ component unless exempt from Work Experience. Procedures used in the assessment are a face-to-face meeting with the mandatory registrant and a review of all available information on the mandatory registrant (including but not limited to the mandatory registrant's case record).

- B) The Work Experience ~~peer~~ assignment is subdivided into four Work Experience classifications which include are Clerical Aide, Dietary Aide, Maintenance Aide, and Program Aide. ~~Mandatory registrants shall be placed in any of the classifications, considering to the extent possible their prior training, proficiency, experience, skill, and vocational preference. As work assignments become available, mandatory registrants will be selected from the appropriate peer subdivision taking into consideration such factors as the mandatory registrant's work history. A mandatory registrant shall be assigned to one of these classifications based on his work history, prior training, experience, skills and vocational preference. The date the mandatory registrant is notified that he/she is to appear for Orientation scheduled to~~

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.78

Project Chance Components (Cont'd.)

begin the work assignment marks the beginning of participation in Work Experience.

3) Participation Requirements

- A) Work assignment consists of three 30-day periods. (The date the mandatory registrant is to appear at the work assignment begins the three 30-day periods.) The hours of the work assignment for a 30-day period shall not exceed the AFDC grant received in the fiscal month during which the assignment is made divided by the federal minimum wage. (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) In order to provide consistency for both work assignment sponsors and mandatory registrants, the required number of hours will be rounded down to the nearest increment of eight (8) hours. The minimum number of hours that must be completed within a 30-day period is forty (40) hours, and the maximum number of hours that must be completed within a 30-day period is eighty (80) hours.
- B) During work assignment, mandatory registrants shall be required to make eight (8) employer contacts per month or participate in education and training programs. Mandatory registrants are required to accept bona fide offers of employment pursuant to Section 112.72.
- C) Mandatory registrants are also required to report as scheduled and on time to their work assignment sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment sponsor.

4) Reassessment

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

A) At the end of the third 30-day period, the mandatory registrant's employability will be evaluated using the procedures and criteria described in Sections 112.74. If continuing the work assignment will benefit the mandatory registrant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the mandatory registrant shall be reassigned to the work assignment. Otherwise, the mandatory registrant will be assessed for assignment to another Project Chance component.

B) Mandatory registrants in the Work-Experience pool who have not been selected for a work assignment will be reviewed at a minimum of every six months. The review may be handled by mail. However, based on such review of a mandatory registrant's employability (see subsection (a)(2)), the Project Chance worker may schedule a face-to-face meeting to determine the mandatory registrant's continued eligibility for this component. While in the Work-Experience pool, mandatory registrants are encouraged to look for work and must comply with the requirements of subsection (e)(3)(B).

f) Special Projects

Mandatory registrants who will benefit from short-term training and job placement assistance are referred to the Special Projects component. The Special Projects component offers special time-limited services for specific target populations. (The location of Special Projects vary depending on area needs and project availability.)

1) Eligibility Criteria

The Special Project component is for mandatory registrants determined to:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

- A) be able to benefit from short-term vocational training (e.g., an individual has the interest and ability to complete the training program and be hired in a position for which he has trained);
- B) be readily employable with the addition of short-term training (e.g., training for a specific job for which there are jobs available); and
- C) meet specific project entry criteria.

2) Entry into the Component

Assignment of mandatory registrants to Special Projects will be made subsequent to participation in IJS and the full assessment.

3) Participation Requirements

- A) The mandatory registrant must maintain a level of satisfactory attendance and progress as established and reported by Special Projects staff.
- B) Verification of attendance and progress (i.e., statements signed by the instructor, records and reports prepared at the end of the term. Additionally, if the Department is paying for child care and/or transportation to enable the client to participate in the Special Project activity, the client must provide monthly verification of his attendance) must be provided.

4) Reassessment

The Project Chance worker contacts mandatory registrants on a monthly basis if the supportive service payments identified in Section 112.82 are issued. Mandatory registrants not requiring supportive service payments or receiving these payments from another source require a contact every six (6) months or at program completion

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part:

Intermediate Care for the Developmentally Disabled Facilities Code

- 2) Code Citation:

77 Ill. Adm. Code 350

Adopted Action:

[illegible]

(Source: Amended at 13 Ill. Reg. 6017, effective April 14, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section Numbers:

350.3300, 350.3310, 350.3320, 350.3330
 350.3710, 350.3720, 350.3730, 350.3740
 350.3750, 350.3760, 350.3770, 350.3780
 350.3790, 350.3800, 350.3810, 350.3820
 350.3830, 350.3840, 350.3850, 350.3860
 350.3870, 350.3880, 350.3890, 350.3900
 350.3910, 350.3920, 350.3930, 350.3940
 350.3950, 350.3960, 350.3970, 350.3980
 350.3990, 350.4000, 350.4010, 350.4020
 350.4030, 350.4210

Adopted Action:

Amendments
 Amendments
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 Amendments

4) Statutory Authority:

Nursing Home Care Act [Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968 (Senate Bill 1322), effective December 9, 1987, Public Act 85-1183 (House Bill 4172), effective August 13, 1988, and Public Act 85-1378 (Senate Bill 2201), effective September 1, 1988]

5) Effective Date of Amendments:

April 17, 1989

6) Does this Rulemaking contain an Automatic Repeal Date? No.7) Does this Rulemaking contain Incorporation by Reference? No.8) Date Filed in Agency's Principal Office:

April 17, 1989

9) Date Notice of Proposal Published in Illinois Register:

December 23, 1988 (12 Ill. Reg. 21621)

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.11) Difference Between Proposal and Final Version:

In response to questions from the Joint Committee on Administrative Rules, the Department deleted the proposed addition of standards of the U.S. Public Health Service to Section 350.340(a)(2). These standards are not referenced in other provisions of the rules and the incorporation of these standards by reference was only approved by the Joint Committee on

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Administrative Rules for inclusion in 77 Ill. Adm. Code 300. The addition of these standards may be re-proposed at a later date.

During the public comment period, amendments related to nurse aide training were withdrawn from this rulemaking. These changes, which included the addition of new Section 350.670(h) and replacement of Section 350.680, will be re-proposed and adopted in conjunction with the adoption of a new set of rules which have been proposed on nurse aide training programs (77 Ill. Adm. Code 395). The proposed new set of rules appeared in the December 2, 1988, issue of the Illinois Register (12 Ill. Reg. 19927).

Changes in the wording of the definition of "Qualified Mental Retardation Professional" in Section 350.330 were made in response to public comment. Changes in references to statutory and regulatory provisions were made in compliance with comments from the Department of Professional Regulation.

Numerous typographical corrections and technical changes were also made in response to questions from the Administrative Code Division. NO other changes were made in the text of the amendments.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.

13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.

These amendments replace amendments which were adopted on an emergency basis effective October 24, 1988. The emergency amendments appeared in the Illinois Register on November 14, 1988 (12 Ill. Reg. 18477). The emergency amendments expired on March 23, 1989.

14) Are there any other Amendments Pending on this Part? No.15) Summary and Purpose of Rules:

The Department is adopting amendments which were adopted on an emergency basis effective October 24, 1988. These amendments also make other changes to reflect recent statutory changes and to clarify various provisions of the rules. In addition, these amendments update statutory references and make a number of non-substantive changes in the other provisions of the rules. The specific changes included in these amendments are described here.

ILLINOIS REGISTER
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Emergency Changes

The most significant emergency changes which are included in these amendments are the result of Public Act 85-1378 (Senate Bill 2201), which took effect on September 1, 1988. This legislation amends the Nursing Home Care Act to eliminate the lowest level of violations, level "C" violations. This level of violations is replaced with a procedure for the issuance of administrative warnings. Facilities will not be required to submit a plan of correction in response to an administrative warning, but will be responsible for correction of the condition.

To implement this change, the Department is adopting the following actions which were adopted on an emergency basis effective October 24, 1988. The Notice of Emergency Amendments appeared in the Illinois Register on November 14, 1988, at 12 Ill. Reg. 18705.

1. Deleting all of the current designations of level "C" violations from the entire text of the rules.
2. Expanding the provisions in Section 350.272 concerning the determination to issue a notice of violation to also include administrative warnings.
3. Eliminating the language concerning level "C" violations in Section 350.274 which concerns the determination of the level of a violation.
4. Adding a new Section 350.277 to provide procedures for the issuance of administrative warnings.
5. Eliminating the provisions concerning the assessment of penalties for ten or more uncorrected level "C" violations from Section 350.282(e).
6. Adding a definition of "administrative warning" and deleting the definition of "type C violation" in Section 350.330.

Additional statutory changes included in Public Act 85-1378, and changes included in Public Act 85-1183 (House Bill 4172), which took effect on August 13, 1988, were also adopted on an emergency basis and are included in these amendments. These changes include amendments to provisions concerning:

1. Submission of ownership information [Section 300.250(a)].
2. Contents of the quarterly list of facilities against which the Department is taking some action [Section 350.290(a)].

ILLINOIS REGISTER

6044
89

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

3. Basis and procedures for involuntary transfer or discharge [Section 350.3300(c)].
4. Procedure for hearings requested by persons who file complaints against a facility [Section 350.3310(j)].

Additional Statutory Changes

Additional statutory changes included in Public Act 85-968 (Senate Bill 1322), which took effect on December 9, 1987, are also being implemented in these amendments. These changes include amendments to reflect the statutory provisions concerning the length of the license period [Section 350.110(b)] and the appointment of monitors [Section 350.270(a)].

In addition, Sections 350.260(d) and (g) are being repealed, since the parallel sections of the statute, Sections 3-314 and 3-317, were repealed by Public Act 83-1530, which became effective July 1, 1985. Repeal of these provisions of the rules is consistent with the statute.

Physical Examinations and Tuberculin Skin Tests

Changes in Sections 350.670 and 350.1220 and the addition of new Sections 350.675 and 350.1225 are being adopted to clarify the rules on employee physical examinations and tuberculin skin tests for employees and residents. The changes eliminate the requirement for annual physical examinations for employees, since these examinations are not effective in protecting the health of the employees or residents. The provisions concerning the initial physical examination of employees are being separated into the new Section 350.675 and the procedures for conducting tuberculin skin tests are being separated into the new Section 350.1225. Section 350.1220, which concerns medical care for residents, is being amended to reference the tuberculin test procedures which are being relocated to Section 350.1225.

Additional Substantive Changes

The definition of "person in need of mental treatment" in Section 300.330 is being deleted. This term is not used in the text of the rules, so the definition is unnecessary.

The definition of "qualified mental retardation professional" in Section 350.330 is being amended to conform to recent changes in the rules of the Health Care Financing Administration governing Medicaid program certification of Intermediate Care Facilities for the Mentally Retarded (42 CFR 483). The changes in these federal rules were adopted effective October 1, 1988. The amendments to this definition will insure that the definition is consistent with the federal rules.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

The definition of a utensil sanitizer in Section 350.330 is being replaced with a definition of sanitization to include chemical, as well as steam sanitization.

Shower stall curb requirements in Section 350.2960(e)(4) are being eliminated as no longer necessary. These changes will insure that the rules reflect current enforcement policies of the Department, since numerous waivers have been granted from these requirements.

A provision, which was added to Section 300.2960 effective December 24, 1987, concerning waivers of bedroom sizes, is being moved from subsection (b)(2) to subsection (b)(1). In addition, the wording of this provision is being changed to correct and clarify the provision.

Reference Corrections and Updates

Throughout the text of these rules, references to the Nursing Home Care Act are being updated. These changes reflect the changes in the Act and the latest edition of the Illinois Revised Statutes.

Section 350.340, which contains a list of all of the materials incorporated and referenced in these rules is being updated. Statutory references in this Section have been corrected and updated.

Section 350.1910 is being amended to eliminate the reference to the "latest edition of" the Department's food service sanitation rules. This reference is being replaced with the correct citation. References to the Capital Development Board's rules on handicapped accessibility to buildings are also being updated. The title and content of these rules was recently changed based on a comprehensive revision of the statute which authorized the Board to adopt these rules. These references are being updated in Sections 350.340(a)(4)(C), 350.2620(a)(1)(B), 350.2700(a)(6), 350.2700(b)(4), 350.2920(e)(2), 350.3000(b)(1), and 350.3000(b)(2).

References to various units of the Department which had responsibility for the licensure of alcoholism treatment programs are being updated in Section 350.300. As amended, these provisions will refer to the Department of Alcoholism and Substance Abuse which assumed responsibility for the licensure of alcoholism treatment programs in July 1988.

Additional Editorial Changes

The amendments eliminate the use of the phrase "his/her" throughout the rules. The elimination of this phrase is accomplished by rephrasing the provisions in the plural, rather than the singular, or by replacing the pronoun with the subject, such as "resident's" or "employee's."

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

The term "etc." is also eliminated throughout the rules. This term is usually unnecessary and may cause confusion by implying that the Department may impose additional requirements.

The amendments also eliminate the use of "(s)," "(es)," and "(ies)" at the end of words to indicate singular or plural. These changes should clarify the application of the provisions. The phrase "and/or" is also eliminated in the amendments. The amendments clarify the provisions which use this term by clearly indicating whether either or both is intended. The amendments also revise the use of numbers throughout the rules for consistency. Numbers of ten or less are written out in the rules, while numbers greater than ten are indicated by digits. The use of both forms of numbers at each occurrence is eliminated as unnecessary.

The Department believes that there will be little, if any, economic effect of these amendments on the regulated public. The elimination of some requirements may reduce costs for some regulated facilities, although such reductions are likely to be minimal.

16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane
Division of Governmental Affairs
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES~~MINIMUM STANDARDS FOR CLASSIFICATION AND LICENSURE OF~~ INTERMEDIATE CARE
~~FACILITIES FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE~~

PART 350

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse License Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.320	Waivers
350.330	Definitions

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Administrator

SUBPART C: POLICIES

350.610	Management Policies
350.620	Resident Care Policies
350.630	Admission and Discharge Policies
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Aide, Orderly, Program Aide, Program Technician and/or Habituation Aide Training Program
350.690	Disaster Preparedness
350.700	Serious Incidents and Accidents

SUBPART D: PERSONNEL

350.810	Personnel
350.820	Consultation Services
350.830	Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

350.1010	Service Programs
350.1020	Psychological Services
350.1030	Social Services
350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff

SUBPART F: HEALTH SERVICES

350.1210	Health Services
350.1220	Physician Services
350.1225	Tuberculin Skin Test Procedures
350.1230	Nursing Services
350.1240	Dental Services
350.1250	Physical and Occupational Therapy Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: MEDICATIONS

350.1410 Medication Policies and Procedures
350.1420 Conformance with Physician's Orders
350.1430 Administration of Medication
350.1440 Labeling and Storage
350.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

350.1610 Resident Record Requirements
350.1620 Content of Medical Records
350.1630 Confidentiality of Resident's Records
350.1640 Records Pertaining to Residents' Property
350.1650 Retention and Transfer of Resident Records
350.1660 Other Resident Record Requirements
350.1670 Staff Responsibility for Medical Records
350.1680 Retention of Facility Records
350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

350.1810 Director of Food Services
350.1820 Dietary Staff in Addition to Director of Food Services
350.1830 Hygiene of Dietary Staff
350.1840 Diet Orders
350.1850 Adequacy of Diet and Meal Pattern
350.1860 Therapeutic Diets
350.1870 Scheduling Meals
350.1880 Menu Planning
350.1890 Food Preparation and Service
350.1900 Food Handling Sanitation
350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE HOUSEKEEPING AND LAUNDRY

350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

350.2210 Furnishings
350.2220 Equipment and Supplies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

350.2410 Codes
350.2420 Water Supply
350.2430 Sewage Disposal
350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2610 Applicability of Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms ~~(6)~~
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements ~~Building General~~
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2910 Applicability
350.2920 Codes and Standards
350.2930 Preparation of Drawings and Specifications
350.2940 Site
350.2950 Administration and Public Areas
350.2960 Nursing Unit
350.2970 Living, Dining, Activities Rooms
350.2980 Treatment and Personal Care
350.2990 Service Departments
350.3000 General Building Requirements ~~Building General~~
350.3010 Structural
350.3020 Mechanical Systems
350.3030 Plumbing Systems
350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

350.3210 General
350.3220 Medical and Personal Care Program

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 350.3230 Restraints
350.3240 Abuse and Neglect
350.3250 Communication and Visitation
350.3260 Resident's Funds
350.3270 Residents' Advisory Council
350.3280 Contract With Facility
350.3290 Private Right of Action
350.3300 Transfer and/or Discharge
350.3310 Complaint Procedures
350.3320 Confidentiality
350.3330 Facility Implementation
- SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF ~~FIFTEEN (—15—)~~ BEDS OR LESS

350.3710 Applicability of Other Provisions of this Part
~~Divisions of These Minimum Standards, Rules and Regulations—~~

- 350.3720 Administration
350.3730 Admission and Discharge Policies
350.3740 Personnel
350.3750 Consultation Services and Nursing Services
350.3760 Medication Policies
350.3770 Food Services
350.3780 Codes and Standards
350.3790 Administration and Public Areas
350.3800 Bedrooms
350.3810 Nurses Station
350.3820 Bath and Toilet Rooms
350.3830 Utility Rooms
350.3840 Living, Dining, Activity Rooms ~~(s)~~
350.3850 Therapy and Personal Care
350.3860 Kitchen
350.3870 Laundry Room

350.3880 General Building Requirements ~~Building General—~~

- 350.3890 Corridors
350.3900 Special Care Room
350.3910 Exit Facilities and Subdivision of Floor Areas
350.3920 Stairways, Vertical Openings and Doorways
350.3930 Hazardous Areas and Combustible Storage
350.3940 Mechanical Systems
350.3950 Heating, Cooling, and Ventilating Systems
350.3960 Plumbing Systems
350.3970 Electrical Systems
350.3980 Fire Alarm and Detection System
350.3990 Emergency Electrical System
350.4000 Fire Protection
350.4010 Construction Types

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 350.4020 Equivalencies
350.4030 New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

350.4210 Day Care in Long-Term Care Facilities

- APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service
APPENDIX B Federal Requirements Regarding Residents' Rights
APPENDIX C Seismic Zone Map
APPENDIX D Forms for Day Care in Long-Term Care Facilities
TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Fifteen (15) Beds or Less
TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Fifteen (15) Beds or Less
TABLE F Disaster Preparedness Parameters-Relative Humidity and Temperature.

AUTHORITY:

Implementing and authorized by the Nursing Home Care ~~Reform~~ Act ~~of 1979~~ (Ill. Rev. Stat. 1987 ~~1985~~, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988)

SOURCE:

Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill.

Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989.

NOTE: Italics and capitalization denote statutory language.

SUBPART A: GENERAL PROVISIONS

Section 350.110 General Requirements

- a) These Minimum Standards apply to the operator/licensee of facilities, or distinct parts thereof, that are to be licensed and classified to provide intermediate care ~~and/or~~ or skilled nursing care. Any license issued and in effect prior to March 1, 1980, pursuant to the ~~Nursing homes, sheltered care homes, and homes for the aged Act~~ (Ill. Rev. Stat. 1977, ch. 111 1/2, par. 35.16 et seq.) shall remain valid and subject to the terms and conditions of the ~~Nursing Home Care Reform Act of 1979~~ (the Act) (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988) and all regulations promulgated thereunder until the expiration date shown on the face of such license.

- b) The license issued to each operator/licensee shall designate the licensee's name, facility name, address, the classification by level of service authorized for that facility, the number of beds authorized for each level, the date the license was issued and the expiration date. Such licenses shall be issued for a period ~~not to exceed one (1) year~~ of NOT LESS THAN SIX MONTHS NOR MORE THAN 18 MONTHS. The Department will set the period of the license based on the license expiration dates of the facilities in the geographical area surrounding the facility IN ORDER TO DISTRIBUTE THE EXPIRATION DATES as evenly as possible THROUGHOUT THE CALENDAR YEAR. (Section 3-110 of the Act)

Section 350.110 (continued)

- c) An applicant may request that the license issued by the Department of Public Health (the Department) have distinct parts classified according to levels of services. The distinct part must satisfactorily meet the applicable physical plant standards based on a level of service classification sought for that distinct part. If necessary to protect the health, welfare and safety of residents in a distinct part requiring higher standards, the Department shall require compliance with whatever additional physical plant standards are necessary in any distinct part ~~to~~, to achieve this protection as required by the highest level of care being licensed. Administrative, supervisory, and other personnel may be shared by the entire facility, if so doing does not adversely affect meeting the total needs of the residents of the facility.
- d) THE OPERATOR MAY NOT ADMIT RESIDENTS IN EXCESS OF THE LICENSED CAPACITY OF THE FACILITY. (Section 2-209 of the Act) ~~(See Section 350.200 Violations and Penalties) (B, C)~~
- e) An intermediate care facility licensed and classified under the Act shall not use in its title or description "Hospital", "Sanitarium", "Sanatorium", "Rehabilitation Center", "Skilled Nursing Facility", or any other word or description in its title or advertisements which indicates that a type of service is provided by the facility which the facility is not licensed to provide or, in fact, does not provide. ~~(C)~~
- f) Any person constructing or modifying a long-term care facility or portion thereof without obtaining the required permit from the Health Facilities Planning Board shall not be eligible to apply for licensure for that facility or portion thereof (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111 1/2, par. 1163.1). ~~(C)~~
- g) THE LICENSEE SHALL GIVE ~~NINETY~~ ~~(90)~~ DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OR MORE THAN TEN PERCENT ~~(10%)~~ OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENTS WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OR THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE LICENSEE SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE PLACEMENTS. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.110(g) (continued)

THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER THE ACT. (Section 3-423 of the Act) ~~(Ill. Rev. Stat. 1983, ch. 111 1/2, par. 4151-101 et seq.)~~
(A, B)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.120 Application for License

a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility, ~~and/or~~ or skilled nursing facility shall submit pre-application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The pre-application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications. ~~(C)~~

b) A pre-application for a new facility shall be accompanied by a permit as required by the ~~Illinois~~ Health Facilities Planning Act ~~as~~ (Ill. Rev. Stat. ~~1979~~ 1987, ch. 111 1/2, par. 1151 et seq.) ~~(C)~~

c) APPLICATION FOR A LICENSE TO ESTABLISH OR OPERATE AN INTERMEDIATE CARE FACILITY ~~AND/OR~~ OR SKILLED NURSING FACILITY SHALL BE MADE IN WRITING AND SUBMITTED, WITH OTHER SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE, ON FORMS PROVIDED BY THE DEPARTMENT. (Section 3-103(1) of the Act)

d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF ~~TWO HUNDRED~~ 200 DOLLARS. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:

1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.120(d)(1) (continued)

UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;

2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;

3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;

4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND

5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-103(2))~~

e) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold, or leased; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be. ~~(C)~~ A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases. ~~(C)~~

f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE "ILLINOIS HEALTH FACILITIES PLANNING ACT". AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY ~~6~~ SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-103(3))~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 350.130 Licensee

Section 350.140 (continued)

- a) The licensee is the corporate body, political subdivision, individual, or individuals responsible for the operation of the facility and upon whom rests the responsibility for meeting the licensing requirements. The licensee does not have to own the building being used.
- b) If the licensee does not own the building, a lease or management agreement between the licensee and the owner of the building is required. A copy of the lease or management agreement shall be furnished to the Department. The Department shall also be provided with a copy of all new lease agreements or any changes to existing agreements within ~~thirty~~ 30 days of the effective date of such changes. ~~(6)~~
- c) If the licensee is not a corporation or a political subdivision of the State of Illinois, each person responsible for the operation of the facility and upon whom rests the responsibility for meeting the licensing Minimum Standards ~~and Rules~~ shall be at least ~~eighteen~~ (18) years of age. ~~(6)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.140 Issuance of an Initial License for a New Facility

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE AND INSPECTION OF THE APPLICANT FACILITY, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE ~~(5)~~ YEARS;
- 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE ~~"NURSING HOME ADMINISTRATORS~~ "NURSING HOME ADMINISTRATORS ~~ADMINISTRATOR'S~~ LICENSING AND DISCIPLINARY ACT ~~"~~ " (Ill. Rev. Stat. ~~1979~~ 1987, ch. 111, pars. ~~3601-3601~~ 3651 et seq.) AS NOW OR HEREFTER AMENDED; AND
- 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ~~"NURSING HOME CARE REFORM ACT OF 1979"~~ "NURSING HOME ADMINISTRATORS LICENSING AND DISCIPLINARY ACT" (Ill. Rev. Stat. ~~1979~~ 1987, ch. 111 1/2, pars. 4151-101 et seq.) AND THIS PART THESE REGULATIONS. (Section 3-109 of the Act)

- b) THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR ~~ONE HUNDRED~~ THIRTY ~~(120)~~ DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)

- c) DURING THE ~~ONE HUNDRED THIRTY~~ (120) DAY PERIOD OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN ~~THIRTY~~ (30) DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OR NOT THE APPLICANT THEN COMPLIES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARDS COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)

- d) IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO ~~ONE HUNDRED THIRTY~~ (120) DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO ~~(2)~~ SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)

- e) Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the Department.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.150 Issuance of an Initial License Due to a Change of Ownership

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR TO PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE ~~(5)~~ YEARS;
- 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE ~~"NURSING HOME ADMINISTRATORS~~ "NURSING HOME ADMINISTRATORS ~~ADMINISTRATOR'S~~ LICENSING AND DISCIPLINARY ACT ~~"~~ ", AS NOW OR HEREFTER AMENDED; AND

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.150(a) (continued)

- 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ~~"NURSING-HOME-CARE-REFORM-ACT-OF-1979"~~ AND THIS PART ~~THESE-REGULATIONS~~. (Section 3-109 of the Act)
- b) WHENEVER OWNERSHIP OF A FACILITY IS TRANSFERRED FROM THE PERSON NAMED IN A LICENSE TO ANY OTHER PERSON, THE TRANSFEREE MUST OBTAIN A NEW PROBATIONARY LICENSE. THE TRANSFEREE SHALL NOTIFY THE DEPARTMENT OF THE TRANSFER AND APPLY FOR A NEW LICENSE AT LEAST ~~THIRTY~~ ~~(30)~~ DAYS PRIOR TO FINAL TRANSFER. (Section 3-112 of the Act) ~~(G)~~
- c) THE TRANSFEROR SHALL NOTIFY THE DEPARTMENT AT LEAST ~~THIRTY~~ ~~(30)~~ DAYS PRIOR TO FINAL TRANSFER. THE TRANSFEROR SHALL REMAIN RESPONSIBLE FOR THE OPERATION OF THE FACILITY UNTIL SUCH TIME AS THE LICENSE IS ISSUED TO THE NEW TRANSFEREE. (Section 3-112 of the Act) ~~(G)~~
- d) THE LICENSE GRANTED TO THE TRANSFEREE SHALL BE SUBJECT TO ANY PLAN OF CORRECTION SUBMITTED BY THE PREVIOUS OWNER AND APPROVED BY THE DEPARTMENT AND ANY CONDITIONS CONTAINED IN A CONDITIONAL LICENSE ISSUED TO THE PREVIOUS OWNER. IF THERE ARE OUTSTANDING VIOLATIONS AND NO PLAN OF CORRECTION HAS BEEN SUBMITTED BY THE FACILITY AND APPROVED BY THE DEPARTMENT, THE DEPARTMENT MAY ISSUE A CONDITIONAL LICENSE AND PLAN OF CORRECTION AS PROVIDED IN SECTIONS 3-311 THROUGH 3-317 OF THE ~~"NURSING-HOME-CARE-REFORM-ACT-OF-1979"~~ IN PLACE OF A PROBATIONARY LICENSE. (Section 3-113 of the Act) ~~(G)~~

e) THE TRANSFEROR SHALL REMAIN LIABLE FOR ALL PENALTIES ASSESSED AGAINST THE FACILITY WHICH ARE IMPOSED FOR VIOLATIONS OCCURRING PRIOR TO TRANSFER OF OWNERSHIP. (Section 3-114 of the Act) ~~(G)~~

f) THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR ~~ONE-HUNDRED-TWENTY~~ ~~(120)~~ DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)

g) DURING THE ~~ONE-HUNDRED-TWENTY~~ ~~(120)~~ DAYS OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN ~~THIRTY~~ ~~(30)~~ DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OR NOT THE APPLICANT THEN COMPLIES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARD COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.150 (continued)

- h) IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO ~~ONE-HUNDRED-TWENTY~~ ~~(120)~~ DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO ~~(2)~~ SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)
- i) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the department. Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the department.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.160 Issuance of a Renewal License

AT LEAST ~~ONE-HUNDRED-TWENTY~~ ~~(120)~~ DAYS, BUT NOT MORE THAN ~~ONE-HUNDRED-FIFTY~~ ~~(150)~~ DAYS, PRIOR TO LICENSE EXPIRATION, THE LICENSEE SHALL SUBMIT AN APPLICATION FOR RENEWAL OF THE LICENSE IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE DEPARTMENT REQUIRES. IF THE APPLICATION IS APPROVED, AND THE FACILITY IS IN COMPLIANCE WITH ALL OTHER LICENSE REQUIREMENTS, THE LICENSE SHALL BE RENEWED FOR AN ADDITIONAL ONE YEAR PERIOD. (Section 3-115 of the Act) ~~(See Section 14 of the Act for Municipal Licensing Requirements.)~~ ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.165 Criteria for Adverse Licensure Actions

a) Adverse licensure actions are determinations to deny the issuance of an initial license, to deny the issuance of a renewal of a license, or to revoke the current license of a facility.

b) A determination by the Director or his designee to take adverse licensure action against a facility shall be based on a finding that one or more of the following criteria are met:

- 1) The facility has SUBSTANTIALLY FAILED TO MEET ANY OF THE MINIMUM STANDARDS SET FORTH IN THE ACT OR THIS PART ~~THESE RULES~~. For purposes of this provision, substantial failure is a failure to meet the requirements of this Part which is other than a variance from strict and literal performance which results only in unimportant omissions or defects given the particular

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.165(b)(1) (continued)

circumstances involved. (Sections 3-117(1) and 3-119(a)(1) of the Act) ~~411 Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(1) and 4153-119(a)(1))~~

2) THE LICENSEE OR APPLICANT, OR THE PERSON DESIGNATED TO MANAGE OR SUPERVISE THE FACILITY HAS BEEN CONVICTED OF ANY OF THE FOLLOWING CRIMES DURING THE PREVIOUS FIVE YEARS. SUCH CONVICTIONS SHALL BE VERIFIED BY A CERTIFIED COPY OF THE RECORD OF THE COURT OF CONVICTION.

- A) A FELONY.
- B) TWO OR MORE MISDEMEANORS INVOLVING MORAL TURPITUDE. (Sections 3-117(2) and 3-119(a)(2) of the Act) ~~411 Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(2) and 4153-119(a)(2))~~

- 3) THE MORAL CHARACTER OF THE LICENSEE, ADMINISTRATOR, MANAGER, OR SUPERVISOR OF THE FACILITY IS NOT REPUTABLE. EVIDENCE TO BE CONSIDERED WILL INCLUDE VERIFIABLE STATEMENTS BY RESIDENTS OF A FACILITY, LAW ENFORCEMENT OFFICIALS, OR OTHER PERSONS WITH KNOWLEDGE OF THE INDIVIDUAL'S CHARACTER. IN ADDITION, THE DEFINITION AFFORDED TO THE TERMS "REPUTABLE," "UNREPUTABLE," AND "IRREPUTABLE" BY THE CIRCUIT COURTS OF THE STATE OF ILLINOIS SHALL APPLY WHEN APPROPRIATE TO THE GIVEN SITUATION. FOR PURPOSES OF THIS SECTION, A MANAGER OR SUPERVISOR OF THE FACILITY IS AN INDIVIDUAL WITH RESPONSIBILITY FOR THE OVERALL MANAGEMENT, DIRECTION, COORDINATION, OR SUPERVISION OF THE FACILITY OR THE FACILITY STAFF. (Sections 3-117(2) and 3-119(a)(2) of the Act) ~~411 Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(2) and 4153-119(a)(2))~~

- 4) THE FACILITY IS OPERATING (OR, FOR AN INITIAL APPLICANT, INTENDS TO OPERATE) WITH PERSONNEL WHICH ARE INSUFFICIENT IN NUMBER OR UNQUALIFIED BY TRAINING OR EXPERIENCE TO PROPERLY CARE FOR THE NUMBER AND TYPE OF RESIDENTS IN THE FACILITY. STANDARDS IN THESE RULES CONCERNING PERSONNEL, INCLUDING SECTIONS 350.810, 350.820, 350.830, 350.1220, 350.1230 AND 350.1240, WILL BE CONSIDERED IN MAKING THIS DETERMINATION. (Sections 3-117(3) and 3-119(a)(3) of the Act) ~~411 Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(3) and 4153-119(a)(3))~~

- 5) THE FACILITY HAS AVAILABLE INSUFFICIENT FINANCIAL OR OTHER RESOURCES TO OPERATE THE FACILITY IN ACCORDANCE WITH THESE RULES. Financial information and changes in financial

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.165(b)(5) (continued)

information provided by the facility under Section 350.120(f) and under Section 3-208 of the Act will be considered in making this determination. (Sections 3-208 of the Act) ~~411 Rev. Stat. 1985, ch. 111 1/2, par. 4153-208)~~

- 6) THE FACILITY IS NOT UNDER THE DIRECT SUPERVISION OF A FULL-TIME ADMINISTRATOR AS REQUIRED BY SECTION 350.510. (Sections 3-117(6) and 3-119(a)(5) of the Act) ~~411 Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(6) and 4153-119(a)(5))~~

- 7) The facility has violated the rights of residents of the facility by any of the following actions:

- A) A pervasive pattern of cruelty or indifference to residents has occurred in the facility.
- B) The facility has appropriated or converted for its use the property of a resident without his written consent or the consent of his legal guardian.
- C) The facility has secured property, or a bequest of property, from a resident by undue influence.
- 8) The facility knowingly submitted false information either on the licensure or renewal application forms or during the course of an inspection or survey of the facility.
- 9) The facility has refused to allow an inspection or survey of the facility by agents of the Department to occur.

- c) The Director or his designee shall consider all available evidence at the time of the determination, including the history of the facility and the applicant in complying with the Act and this Part ~~these rules~~, notices of violations which have been issued to the facility and the applicant, findings of surveys and inspections, and any other evidence provided by the facility, residents, law enforcement officials and other interested individuals.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.170 Denial of Initial License

- a) A determination by the Director or his designee to deny the issuance of an initial license shall be based on a finding that one or more of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.170(a) (continued)

the criteria outlined in Section 350.165 or the following criteria are met.

- 1) THE APPLICANT, ANY MEMBER OF THE FIRM, PARTNERSHIP, OR ASSOCIATION WHICH IS THE APPLICANT, ANY OFFICER OR STOCKHOLDER OF THE CORPORATION WHICH IS THE APPLICANT, OR THE PERSON DESIGNATED TO MANAGE OR SUPERVISE THE FACILITY HAS BEEN CONVICTED OF any of the following crimes DURING THE PREVIOUS FIVE YEARS. Such convictions shall be verified by A CERTIFIED COPY OF THE RECORD OF THE COURT OF CONVICTION.

A) A FELONY.

B) TWO OR MORE MISDEMEANORS INVOLVING MORAL TURPITUDE. (Section 3-117(2) of the Act) ~~Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(2))~~

- 2) Prior license revocation. Both of the following conditions must be met:

A) The license of a facility under this Act has been REVOKED DURING THE PAST FIVE YEARS, which was owned or operated BY THE APPLICANT, BY A CONTROLLING OWNER OF THE APPLICANT, BY A CONTROLLING COMBINATION OF OWNERS OF THE APPLICANT, OR BY AN AFFILIATE WHO IS A CONTROLLING OWNER OF THE APPLICANT. Operation for the purposes of this provision shall include individuals with responsibility for the overall management, direction, or supervision of the facility.

B) SUCH PRIOR REVOCATION RENDERS THE APPLICANT UNQUALIFIED OR INCAPABLE OF MAINTAINING A FACILITY IN ACCORDANCE WITH THE MINIMUM STANDARDS SET FORTH IN THE ACT OR IN THESE RULES. This determination will be based on the applicant's qualifications and ability to meet the criteria outlined in Section 350.165(b) as evidenced by the application and the applicant's prior history. (Section 3-117(5) of the Act) ~~Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(5))~~

- b) The Department shall notify an applicant IMMEDIATELY UPON DENIAL OF ANY APPLICATION. Such notice shall be IN WRITING and shall include:

- 1) A CLEAR AND CONCISE STATEMENT of the basis of the denial. The statement shall include a citation to the provisions of Section 3-117 of the Act and the provisions of these rules under which the application is being denied.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.170(b) (continued)

- 2) A description of THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL OF THE APPLICATION and the right to a hearing. (Section 3-118 of the Act) ~~Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-118)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.175 Denial of Renewal of License

- a) Application for renewal of a license of a facility shall be denied and the license of the facility shall be allowed to expire when the Director or his designee finds that a condition, occurrence, or situation in the facility meets any of the criteria specified in Section 350.165(b).

- b) When the Director or his designee determines that an application for renewal of a license of a facility is to be denied, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:

- 1) A CLEAR AND CONCISE STATEMENT of the basis of the denial. The statement shall include a citation to the provisions of the Act and these rules on which the application for renewal is being denied.

- 2) A statement of the date on which the current license of the facility will expire as provided in Subsection (c) of this Section and Section 3-119(d) of the Act ~~Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-119(d))~~.

- 3) A description of THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL OF THE APPLICATION FOR RENEWAL AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act) ~~Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-119(b))~~

- c) The effective date of the nonrenewal of a license shall be as provided in Section 3-119(d) of the Act ~~Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-119(d))~~.

- d) The current license of the facility shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act) ~~Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-119(d)(3))~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.180 Revocation of License

- a) The license of a facility shall be revoked when the Director or his designee finds that a condition, occurrence or situation in the facility meets any of the criteria specified in Section 350.165(b). In addition, the license of a facility will be revoked when the facility fails to abate or eliminate a level A violation as provided in Section 350.282(b).
- b) When the Director or his designee determines that the license of a facility is to be revoked, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:
- 1) A CLEAR AND CONCISE STATEMENT of the basis of the revocation. The statement shall include a citation to the provisions of the Act and this Part ~~these rules~~ on which the license is being revoked.
 - 2) A statement of the date on which the revocation will take effect as provided in Subsection (c) of this Section and Section 3-119(d) of the Act ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-119(d))~~.
 - 3) A description of THE RIGHT OF THE FACILITY TO APPEAL THE REVOCATION OF THE LICENSE AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-119(b))~~
 - c) The effective date of the revocation of a license shall be as provided in Section 3-119(d) of the Act. ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-119(d))~~
 - d) The effective date of the revocation shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-119(d)(3))~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.190 Experimental Program Conflicting With Requirements

- a) Any facility desiring to conduct an experimental program or do research which is in conflict with this Part ~~these regulations~~ shall submit a written request to the Department and secure prior approval. The Department will not approve experimental programs which would violate residents rights under the Act. (A, B)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.190 (continued)

- b) The Department may grant to a facility special permission to provide day care when it has adequate facilities and staff to satisfactorily provide such services based on the requirements in Section 350.4210. ~~(See Guidelines in Appendix C.)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.200 Inspections, Surveys, Evaluations and Consultation

- a) The terms survey, inspection and evaluation are synonymous. These terms refer to the overall examination of compliance with the Act and ~~the regulations in~~ this Part. All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to annual inspections, surveys evaluations by properly identified personnel of the Department, or by such other properly identified persons, including local health department staff, as the Department may designate. AN INSPECTION, SURVEY OR EVALUATION, OTHER THAN AN INSPECTION OF FINANCIAL RECORDS SHALL BE UNANNOUNCED. CONSULTATIONS MAY BE ANNOUNCED ~~(111. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-212(d))~~. The licensee, or person representing the licensee in the facility, shall provide to the representative of the Department access and entry to the premises or facility for obtaining information required to carry out this Act and the rules promulgated under the Act. IN ADDITION, REPRESENTATIVE OF THE DEPARTMENT SHALL HAVE ACCESS TO AND MAY REPRODUCE OR PHOTOCOPY AT THE DEPARTMENT'S COST ANY BOOKS, RECORDS, AND OTHER DOCUMENTS MAINTAINED BY THE FACILITY, THE LICENSEE OR THEIR REPRESENTATIVES TO THE EXTENT NECESSARY TO CARRY OUT THE ~~THIS~~ ACT AND THIS PART ~~THE RULES PROMULGATED THEREUNDER (111. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-213)~~. A facility may charge the Department for such photocopying at a rate determined by the facility not to exceed the rate in the Department's Freedom of Information rules ~~Rules~~ (2 Ill. Adm. Code 1126). (Sections 3-212 and 2-213 of the Act) ~~(G)~~

- b) BEFORE MAKING MORE THAN THE REQUIRED NUMBER OF INSPECTIONS, SURVEYS AND EVALUATIONS OF A FACILITY, THE DEPARTMENT SHALL HAVE TAKEN INTO ACCOUNT THE FOLLOWING CRITERIA:

- 1) PREVIOUS INSPECTION REPORTS;
 - 2) THE FACILITY'S HISTORY OF COMPLIANCE WITH THE ACT:
- A) PRIOR CORRECTION OF VIOLATIONS;

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.200(b)(2) (continued)

- B) PRIOR ENFORCEMENT ACTIONS;
- C) NUMBER AND SEVERITY OF PRIOR COMPLAINTS;
- 3 NUMBER AND SEVERITY OF CURRENT COMPLAINTS;
- 4) ALLEGATIONS OF RESIDENT ABUSE OR NEGLECT;
- 5) COMPLIANCE WITH DISASTER PREPAREDNESS PROVISIONS UNDER THE ACT;
- 6) OTHER REASONABLE BELIEF THAT DEFICIENCIES REGARDING THE ACT EXIST; ~~AND/OR~~ AND
- 7) requirements pursuant to the "1864 Agreement" (42 U.S.C.A. 1395aa) between the Department and U.S. Health and Human Services (HHS) (e.g. annual and follow-up certification inspections, life safety code inspections and any inspections requested by the Secretary of HHS). (Section 3-212(b) of the Act) ~~(111 Rev. Stat., ch. 111 1/2, par. 4153-212(b)) (G)~~
- c) Upon the completion of each inspection, survey and evaluation, the representative of the Department who conducted the inspection, survey or evaluation shall submit a copy of their report to the licensee or their representative, upon exiting the facility. A copy of the information gathered during a complaint investigation will no be provided upon exiting the facility. COMMENTS OR DOCUMENTATION PROVIDED BY THE LICENSEE WHICH MAY REFUTE FINDINGS IN THE REPORT, WHICH EXPLAIN EXTENUATING CIRCUMSTANCES THAT THE FACILITY COULD NOT REASONABLY HAVE PREVENTED, OR WHICH INDICATE METHODS AND TIMETABLES FOR CORRECTION OF DEFICIENCIES DESCRIBED IN THE REPORT SHALL BE PROVIDED TO THE DEPARTMENT WITHIN ~~10~~ TEN DAYS OF RECEIPT OF THE COPY OF THE REPORT. (Section 3-212(c) of the Act) ~~(111 Rev. Stat., ch. 111 1/2, par. 4153-212(c))~~
- d) Consultation consists of providing advice or suggestions to the staff of a facility at their request relative to specific matters of the scope of regulation, methods of compliance with the Act or ~~this Part rules and/or~~ or general matter of patient care.

(Source: Amended at 13 Ill. Reg. 6040., effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.210 Filing an Annual Attested Financial Statement

- a) EACH LICENSEE SHALL SUBMIT AN ANNUAL ATTESTED FINANCIAL STATEMENT TO THE DEPARTMENT. THIS FINANCIAL STATEMENT SHALL BE FILED IN A PRESCRIBED FORMAT ON FORMS SUPPLIED BY THE DEPARTMENT. THE FORMS WILL BE DEVELOPED IN CONJUNCTION WITH THE ILLINOIS DEPARTMENT OF PUBLIC AID. ~~(G)~~ The time period covered in the financial statement shall be a period determined by the Department for the initial filing, and shall thereafter coincide with the facility's fiscal year or the calendar year. (Section 3-208 of the Act) ~~(G)~~
- b) THE DEPARTMENT MAY REQUIRE ANY FACILITY TO FILE AN AUDITED FINANCIAL STATEMENT, IF THE DEPARTMENT DETERMINES THAT SUCH A STATEMENT IS NEEDED. (Section 3-208 of the Act)
- c) THE DEPARTMENT MAY REQUIRE ANY OR ALL FACILITIES TO SUBMIT ATTESTED OR AUDITED FINANCIAL STATEMENTS MORE FREQUENTLY THAN ANNUALLY, IF THE DEPARTMENT DETERMINES THAT MORE FREQUENT FINANCIAL STATEMENTS ARE NEEDED. THE FREQUENCY AND TIME PERIOD OF SUCH FILINGS SHALL BE AS DETERMINED BY THE DEPARTMENT FOR EACH INDIVIDUAL FACILITY. (Section 3-208 of the Act)
- d) The financial statement shall be filed with the Department within ~~10~~ ~~10~~ days following the end of the designated reporting period. ~~(G)~~ The financial statement will not be considered as having been filed unless all sections of the prescribed forms have been properly completed. Those sections which do not apply to a particular facility shall be noted "not applicable" on the forms. ~~(G)~~
- e) The information required to be submitted in the financial statement will include, but is not limited to, the following:
 - 1) Facility information, including: facility name and address, licensure information, type of ownership, licensed bed capacity, date and cost of building construction and additions, date and cost of acquisition of buildings, building sizes, equipment costs and dates of acquisition. ~~(G)~~
 - 2) Resident information, including: number and level of care of residents by source of payment, income from residents by level of care. ~~(G)~~
 - 3) Cost information by level of care, including:
 - A) General service costs; such as dietary, food, housekeeping, laundry, utilities, and plant operation and maintenance. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.210(e)(3) (continued)

- B) Health care costs; such as medical director, nursing, medications, oxygen, activities, medical records, other medical services, social services, and utilization reviews. ~~(C)~~
- C) General Administration; such as administrative salaries, professional services, fees, subscriptions, promotional, insurance, travel, clerical, employee benefits, license fees, and inservice training and education. ~~(C)~~
- D) Ownership; such as depreciation, interest, taxes, rent, and leasing. ~~(C)~~
- E) Special Service cost centers; such as habilitative and rehabilitative services, therapies, transportation, education, barber and beauty care, and gift and coffee shop. ~~(C)~~
- 4) Income Information, including operating and nonoperating income. ~~(C)~~
- 5) Ownership Information, including balance sheet and payment to owners. ~~(C)~~
- 6) Personnel Information, including the number and type of people employed and salaries paid. ~~(C)~~
- 7) Related organization Information, including related organizations from which services are purchased. ~~(C)~~
- f) The new owner or a new lessee of a previously licensed facility may file a projection of capital costs at the time of closing or signing of the lease.
- 1) A facility which is licensed for the first time (a newly constructed facility) must file a projection of capital costs.
- 2) Each of the above must file a full cost report within nine ~~(9)~~ months after acquisition (covering the first six ~~(6)~~ months of operation). Each must also file a cost report within ~~ninety~~ ~~(90)~~ days of the close of its first complete fiscal year. ~~(C)~~
- g) NO PUBLIC FUNDS SHALL BE EXPENDED FOR THE MAINTENANCE OF ANY RESIDENT IN ANY FACILITY WHICH HAS FAILED TO FILE THIS FINANCIAL STATEMENT,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.210(g) (continued)

AND NO PUBLIC FUNDS SHALL BE PAID TO, OR ON BEHALF OF, A FACILITY WHICH HAS FAILED TO FILE THE STATEMENT. (Section 3-208(b) of the Act)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.220 Information to Be Made Available to the Public By the Department

- a) THE DEPARTMENT SHALL RESPECT THE CONFIDENTIALITY OF A RESIDENT'S RECORD AND SHALL NOT DIVULGE OR DISCLOSE THE CONTENTS OF A RECORD IN A MANNER WHICH IDENTIFIES A RESIDENT, EXCEPT UPON A RESIDENT'S DEATH TO A RELATIVE OR GUARDIAN, OR UNDER JUDICIAL PROCEEDINGS. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE RIGHT OF A RESIDENT OR A RESIDENT'S REPRESENTATIVE TO INSPECT OR COPY THE RESIDENT'S RECORDS. (Section 2-206(a) of the Act)
- b) CONFIDENTIAL MEDICAL, SOCIAL, PERSONAL OR FINANCIAL INFORMATION IDENTIFYING A RESIDENT SHALL NOT BE AVAILABLE FOR PUBLIC INSPECTION IN A MANNER WHICH IDENTIFIES A RESIDENT. (Section 2-206(b) of the Act) ~~(C)~~
- c) THE FOLLOWING INFORMATION IS SUBJECT TO DISCLOSURE TO THE PUBLIC FROM THE DEPARTMENT OR THE DEPARTMENT OF PUBLIC AID:
- 1) INFORMATION SUBMITTED UNDER SECTIONS 3-103 AND 3-207 OF THE ACT, EXCEPT INFORMATION CONCERNING THE REMUNERATION OF PERSONNEL LICENSED, REGISTERED, OR CERTIFIED BY THE DEPARTMENT OF ~~REGISTRATION AND EDUCATION~~ PROFESSIONAL REGULATION AND MONTHLY CHARGES FOR AN INDIVIDUAL PRIVATE RESIDENT;
 - 2) RECORDS OF LICENSE AND CERTIFICATION INSPECTIONS, SURVEYS, AND EVALUATIONS OF FACILITIES, OTHER REPORTS OF INSPECTIONS, SURVEYS, AND EVALUATIONS OF RESIDENT CARE, AND REPORTS CONCERNING A FACILITY PREPARED PURSUANT TO TITLES XVIII AND XIX OF THE SOCIAL SECURITY ACT, (42 U.S.C.A. 1395 et seq. and 1396 et seq.) SUBJECT TO THE PROVISIONS OF THE SOCIAL SECURITY ACT (42 U.S.C.A. 301 et seq.);
 - 3) COST AND REIMBURSEMENT REPORTS SUBMITTED BY A FACILITY UNDER SECTION 3-208 OF THE ACT REPORTS OF AUDITS OF FACILITIES, AND OTHER PUBLIC RECORDS CONCERNING THE COST INCURRED BY, REVENUES RECEIVED BY, AND REIMBURSEMENT OF FACILITIES; AND

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.220(c) (continued)

- 4) COMPLAINTS FILED AGAINST A FACILITY AND COMPLAINT INVESTIGATION REPORTS, EXCEPT THAT A COMPLAINT OR COMPLAINT INVESTIGATION REPORT SHALL NOT BE DISCLOSED TO A PERSON OTHER THAN THE COMPLAINANT OR COMPLAINANT'S REPRESENTATIVE BEFORE IT IS DISCLOSED TO A FACILITY UNDER SECTION 3-702 OF THE ACT, AND, FURTHER, EXCEPT THAT A COMPLAINANT OR RESIDENT'S NAME SHALL NOT BE DISCLOSED EXCEPT UNDER SECTION 3-702 OF THE ACT. (Section 2-205 of the Act)

d) ~~6)~~ THE DEPARTMENT SHALL DISCLOSE INFORMATION UNDER THIS SECTION IN ACCORDANCE WITH PROVISIONS FOR INSPECTION AND COPYING OF PUBLIC RECORDS REQUIRED BY THE FREEDOM OF INFORMATION ACT (Ill. Rev. Stat. ~~1984 Supp.~~ 1987, ch. 116, par. 201 et seq.). ~~AND~~

e) ~~6)~~ HOWEVER, THE DISCLOSURE OF INFORMATION DESCRIBED IN SUBSECTION (1) SHALL NOT BE RESTRICTED BY ANY PROVISION OF THE FREEDOM OF INFORMATION ACT. (Section 2-205 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111-1/2, par. 4153-205).~~

f) ~~4)~~ Copies of reports available to the public may be obtained by making a written request to the Department in accordance with the Department's Freedom of Information rules ~~Rules~~ (2 Ill. Adm. Code 1126). However, access to cost reports shall be governed by Department of Public Aid rule "Access to Cost Reports" (89 Ill. Adm. Code 140.544). The Department may, at its discretion, waive this fee if the party requesting the material is involved in legal action with the Department.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.230 Information to Be Made Available to the Public By the Licensee

- a) EVERY FACILITY SHALL CONSPICUOUSLY POST OR DISPLAY IN AN AREA OF IT ACCESSIBLE TO RESIDENTS, EMPLOYEES, AND VISITORS THE FOLLOWING:

- 1) ITS CURRENT LICENSE; ~~(6)~~
- 2) A DESCRIPTION, PROVIDED BY THE DEPARTMENT OF COMPLAINT PROCEDURES ESTABLISHED UNDER THE ~~"NURSING HOME CARE REFORM ACT OF 1979"~~ AND THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A PERSON AUTHORIZED BY THE DEPARTMENT TO RECEIVE COMPLAINTS; ~~(6)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.230(a) (continued)

- 3) A COPY OF ANY ORDER PERTAINING TO THE FACILITY ISSUED BY THE DEPARTMENT OF A COURT; AND ~~(6)~~
- 4) A LIST OF THE MATERIAL AVAILABLE FOR PUBLIC INSPECTION UNDER SECTION 3-210 OF THE ~~"NURSING HOME CARE REFORM ACT OF 1979"~~. (Section 3-209 of the Act) ~~(6)~~

b) A FACILITY SHALL RETAIN THE FOLLOWING FOR PUBLIC INSPECTION:

- 1) A COMPLETE COPY OF EVERY INSPECTION REPORT OF THE FACILITY RECEIVED FROM THE DEPARTMENT DURING THE PAST FIVE ~~(5)~~ YEARS; ~~(6)~~
- 2) A COPY OF EVERY ORDER PERTAINING TO THE FACILITY ISSUED BY THE DEPARTMENT OR A COURT DURING THE PAST FIVE ~~(5)~~ YEARS; ~~(6)~~
- 3) A DESCRIPTION OF THE SERVICES PROVIDED BY THE FACILITY AND THE RATES CHARGED FOR THOSE SERVICES AND ITEMS FOR WHICH A RESIDENT MAY BE SEPARATELY CHARGED; ~~(6)~~
- 4) A COPY OF THE STATEMENT OF OWNERSHIP REQUIRED BY SECTION 3-207 OF THE ~~"NURSING HOME CARE REFORM ACT OF 1979"~~; ~~(6)~~
- 5) A RECORD OF PERSONNEL EMPLOYED OR RETAINED BY THE FACILITY WHO ARE LICENSED, CERTIFIED OR REGISTERED BY THE DEPARTMENT OF ~~REGISTRATION AND EDUCATION~~ PROFESSIONAL REGULATION; AND ~~(6)~~
- 6) A COMPLETE COPY OF THE MOST RECENT INSPECTION REPORT OF THE FACILITY RECEIVED FROM THE DEPARTMENT. (Section 3-210 of the Act) ~~(6)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.240 Municipal Licensing

- a) Municipalities which have adopted a licensing ordinance as provided under Section 3-104 of the ~~"Nursing Home Care Reform Act of 1979"~~ and this Part ~~these regulations~~ shall adopt this Part ~~these Minimum Standards and Rules for Intermediate Care Facilities for the Developmentally Disabled by reference~~ by complying with Article I, ~~and~~ Division 3, of the ~~"Illinois Municipal Code"~~ (Ill. Rev. Stat. 1987 ~~1983~~, ch. 24, pars. 1-3-1 et seq. ~~through 1-3-6~~).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.240 (continued)

- b) Municipalities shall issue licenses so that the expiration dates are distributed throughout the calendar year. The month the license expires shall coincide with the date of original licensure of the licensee. During the ~~twenty-four (24)~~ month period following the effective date of the ~~Nursing Home Care Reform Act of 1979~~, the municipality may issue renewal licenses for a period of less than one ~~(1)~~ year in order to distribute the expiration date of such licenses throughout the calendar year.
- c) The municipality shall notify the Department within ten ~~(10)~~ days from the date of issuance or denial of a license that the municipal license has been issued or denied. If the license is issued the notice will include the facility name, address, the date of issuance and the number of beds by level of care for which the license was issued. If the license is denied the notice will indicate reason for denial and the current status of licensee's (applicant's) application for municipal license.
- d) The municipality shall use the same licensing classifications as the Department; and a facility may not be licensed for a different classification by the Department than by the municipality.
- e) The Department and the municipality shall have the right at any time to visit and inspect the premises and personnel of any facility for the purpose of determining whether the applicant or licensee is in compliance with the ~~Nursing Home Care Reform Act of 1979~~, this Part or with the local ordinances which govern the regulation of the facility. The Department may survey any former facility which once held a license to insure that the facility is not again operating without a license. Municipalities may charge a reasonable license or renewal fee for the regulation of facilities, which fees shall be in addition to the fees paid to the Department.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.250 Ownership Disclosure

- a) AS A CONDITION OF THE ISSUANCE OR RENEWAL OF THE LICENSE OF ANY FACILITY, THE APPLICANT SHALL FILE A STATEMENT OF OWNERSHIP. THE APPLICANT SHALL notify the Department of any change in ~~AGREE TO~~ ~~UPDATE~~ THE INFORMATION REQUIRED IN THE STATEMENT OF OWNERSHIP WITHIN TEN DAYS OF THE CHANGE. (Section 3-207(a) of the Act) ~~EVERY SIX (6) MONTHS FROM THE INITIAL DATE OF FILING IF THERE IS ANY CHANGE. (C)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.250 (continued)

- b) A STATEMENT OF OWNERSHIP SHALL INCLUDE THE FOLLOWING:

- 1) The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five ~~(5)~~ percent or more in the legal entity designated as the operator/licensee of the facility which is the subject of the application or license; ~~(C)~~
- 2) The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five ~~(5)~~ percent or more in the legal entity that owns the building in which the operator/licensee is operating the facility which is the subject of the application or license; and ~~(C)~~
- 3) THE NAME AND ADDRESS OF ANY FACILITY, WHEREVER LOCATED, IN WHICH ANY APPLICANT HAS ANY OWNERSHIP INTEREST. (Section 3-207(b) of the Act) ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.260 Issuance of Conditional Licenses

- a) THE DIRECTOR MAY ISSUE A CONDITIONAL LICENSE TO ANY FACILITY IF THE DIRECTOR FINDS THAT EITHER A TYPE "A" OR TYPE "B" VIOLATION EXISTS IN SUCH FACILITY. THE ISSUANCE OF A CONDITIONAL LICENSE SHALL REVOKE ANY LICENSE HELD BY THE FACILITY. (Section 3-311 of the Act)
- b) PRIOR TO THE ISSUANCE OF A CONDITIONAL LICENSE, THE DEPARTMENT SHALL REVIEW AND APPROVE A WRITTEN PLAN OF CORRECTION. THE DEPARTMENT SHALL SPECIFY THE VIOLATIONS WHICH PREVENT FULL LICENSURE AND SHALL ESTABLISH A TIME SCHEDULE FOR CORRECTION OF THE DEFICIENCIES. RETENTION OF THE LICENSE SHALL BE CONDITIONAL UPON THE CORRECTION OF THE DEFICIENCIES IN ACCORDANCE WITH THE PLAN OF CORRECTION. (Section 3-312 of the Act) ~~(111 Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4-153-312)~~
- c) WRITTEN NOTICE OF THE DECISION TO ISSUE A CONDITIONAL LICENSE SHALL BE SENT TO THE APPLICANT OR LICENSEE TOGETHER WITH THE SPECIFICATION

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.260(c) (continued)

OF ALL VIOLATIONS OF THE ~~THIS~~ ACT AND THIS PART ~~THE RULES~~
~~PROMULGATED THEREUNDER~~ WHICH PREVENT FULL LICENSE AND WHICH FORM
 THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL
 LICENSE AND THE REQUIRED PLAN OF CORRECTION. THE NOTICE SHALL INFORM
 THE APPLICANT OR LICENSEE OF ITS RIGHT TO A FULL HEARING UNDER
 SECTION 3-315 OF THE ACT TO CONTEST THE ISSUANCE OF THE CONDITIONAL
 LICENSE. (Section 3-313 of the Act) ~~(Ill. Rev. Stat. 1985 Supp.,~~
~~ch. 111 1/2, par. 4153-312).~~

~~d) IF THE FACILITY DESIRES TO HAVE AN INFORMAL CONFERENCE, IT SHALL,~~
~~WITHIN FOUR (4) WORKING DAYS FROM RECEIPT OF THE NOTICE UNDER THE~~
~~ACT, SEND A WRITTEN REQUEST FOR AN INFORMAL CONFERENCE TO THE~~
~~DEPARTMENT. THE DEPARTMENT SHALL, WITHIN FOUR (4) WORKING DAYS FROM~~
~~THE RECEIPT OF THE REQUEST, HOLD AN INFORMAL CONFERENCE, FOLLOWING~~
~~THIS CONFERENCE, THE DEPARTMENT MAY AFFIRM OR OVERRULE ITS PREVIOUS~~
~~DECISION, OR MODIFY THE TERMS OF THE CONDITIONAL LICENSE AND PLAN OF~~
~~CORRECTION. THE CONDITIONAL LICENSE MAY BE ISSUED AFTER THE INFORMAL~~
~~CONFERENCE OR AFTER THE TIME FOR REQUESTING AN INFORMAL CONFERENCE~~
~~HAS EXPIRED, PRIOR TO ANY FURTHER HEARING.~~

d) ~~e) IF THE APPLICANT OR LICENSEE DESIRES TO PROTEST THE BASIS FOR~~
~~ISSUANCE OF A CONDITIONAL LICENSE, OR THE TERM OF THE LICENSE OR PLAN~~
~~OF CORRECTION, THE APPLICANT OR LICENSEE SHALL SEND A WRITTEN REQUEST~~
~~FOR HEARING TO THE DEPARTMENT WITHIN TEN (10) DAYS AFTER RECEIPT~~
~~BY THE APPLICANT OF LICENSEE OF THE DEPARTMENT'S NOTICE AND DECISION~~
~~TO ISSUE A CONDITIONAL LICENSE. THE DEPARTMENT SHALL HOLD THE~~
~~HEARING AS PROVIDED UNDER THE ACT. (Section 3-315 of the Act)~~
~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-316).~~

e) ~~f) A CONDITIONAL LICENSE SHALL BE ISSUED FOR A PERIOD SPECIFIED BY THE~~
~~DEPARTMENT, BUT IN NO EVENT FOR MORE THAN ONE (1) YEAR. THE~~
~~DEPARTMENT SHALL PERIODICALLY INSPECT ANY FACILITY OPERATING UNDER A~~
~~CONDITIONAL LICENSE. IF THE DEPARTMENT FINDS SUBSTANTIAL FAILURE BY~~
~~THE FACILITY TO CORRECT THE VIOLATIONS WHICH PREVENTED FULL LICENSE~~
~~AND FORMED THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A~~
~~CONDITIONAL LICENSE IN ACCORDANCE WITH THE REQUIRED PLAN OF~~
~~CORRECTION, THE CONDITIONAL LICENSE MAY BE REVOKED AS PROVIDED UNDER~~
~~THE ACT. (Section 3-316 of the Act) (Ill. Rev. Stat. 1985 Supp.,~~
~~ch. 111 1/2, par. 4153-316).~~

~~g) IF THE DEPARTMENT DETERMINES THAT A CONDITIONAL LICENSE SHALL EXPIRE~~
~~WITHOUT RENEWAL OR REPLACEMENT OF THE CONDITIONAL LICENSE BY A~~
~~REGULAR LICENSE, THE DEPARTMENT SHALL SO NOTIFY THE LICENSEE AT~~
~~LEAST THIRTY (30) DAYS PRIOR TO EXPIRATION OF THE LICENSE. THE~~
~~LICENSEE IS ENTITLED TO A HEARING UNDER THE ACT IF REQUESTED PRIOR~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.260(e) (continued)

~~TO EXPIRATION OF THE LICENSE.~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.270 Monitor and Receivership

- a) THE DEPARTMENT MAY PLACE AN EMPLOYEE OR AGENT TO SERVE AS A MONITOR
 IN A FACILITY WHEN ANY OF THE FOLLOWING CONDITIONS EXIST:
- 1) THE FACILITY IS OPERATING WITHOUT A LICENSE;
 - 2) THE DEPARTMENT HAS SUSPENDED, REVOKED OR REFUSED TO RENEW THE
 EXISTING LICENSE OF THE FACILITY;
 - 3) THE FACILITY IS CLOSING OR HAS INFORMED THE DEPARTMENT THAT IT
 INTENDS TO CLOSE AND ADEQUATE ARRANGEMENTS FOR RELOCATION OF
 RESIDENTS HAVE NOT BEEN MADE AT LEAST 30 DAYS PRIOR TO
 CLOSURE; ~~OR~~

- 4) THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS, WHETHER OR
 NOT IT HAS INITIATED REVOCATION OR NONRENEWAL PROCEDURES, IF
 BECAUSE OF THE UNWILLINGNESS OF INABILITY OF THE LICENSEE TO
 REMEDY THE EMERGENCY THE DEPARTMENT BELIEVES A MONITOR IS
 NECESSARY; or

- 5) The Department receives notification that THE FACILITY IS
 TERMINATED OR WILL NOT BE RENEWED FOR PARTICIPATION IN THE
 FEDERAL REIMBURSEMENT PROGRAM UNDER EITHER TITLE XVIII
 (Medicaid) OR TITLE XIX (Medicare) OF THE SOCIAL SECURITY ACT.
 Section 3-501 of the Act) ~~(Ill. Rev. Stat. 1989, ch. 111 1/2,~~
~~par. 4153-501).~~

- b) The monitor shall meet the following minimum requirements:

- 1) be in good physical health as evidenced by a physical
 examination by a physician within the last year;
- 2) have an understanding of the needs of nursing home residents as
 evidenced by one year of experience in working with the elderly
 in programs such as patient care, social work or advocacy;
- 3) have an understanding of the ~~Nursing Home Care Reform~~ Act and
 this Part ~~the rules and regulations promulgated to enforce the~~
~~Act~~ which are the subject of the monitors duties as evidenced

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.270(b)(3) (continued)

in a personal interview of the candidate;

- 4) not be related to the owners of the involved facility either blood, marriage or common ownership of real or personal property except ownership of stock that is traded on a stock exchange;
- 5) successfully completed a baccalaureate degree; ~~and/or~~ and
- 6) two years full-time work experience in the long-term care industry of the State of Illinois.

c) The monitor shall be under the supervision of the ~~Division of Enforcement, Office of Health Regulation, Illinois~~ Department ~~of Public Health~~; shall perform the duties of a monitor delineated in Section 3-502 of the Act; and accomplish the following actions:

- 1) visit the facility at least five ~~(5)~~ days per week or as directed by the Department;
- 2) review all records pertinent to the condition for such monitor's placement under subsection (a) of this Section ~~above~~;
- 3) provide to the Department ~~Division of Enforcement, Office of Health Regulation~~, a weekly written report and a daily oral report detailing the observed conditions of the facility; and
- 4) shall be available as a witness for hearings involving the condition for placement as monitor.

d) All communications, including but not limited to data, memoranda, correspondence, records and reports shall be transmitted to and become the property of the Department, plus, findings and results of the monitor's work done under this Part ~~these rules and regulations~~ shall be strictly confidential and not subject to disclosure without written authorization from the Department ~~Division of Enforcement, Office of Health Regulation~~, or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the ~~Nursing Home Care Reform Act of 1979~~.

- e) The assignment as monitor may be terminated at any time by the Department ~~Division of Enforcement, Office of Health Regulation~~.
- f) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health-care

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.270(f) (continued)

management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:

- 1) be in good physical health as evidenced by a physical examination by a physician within the last year;
- 2) have an understanding of the needs of nursing home residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working with the elderly in programs such as patient care, social work or advocacy;
- 3) have an understanding and working knowledge of the Act and this ~~Part, rules and regulations promulgated thereunder~~ as evidenced in a personal interview of the candidate;
- 4) have successfully completed a baccalaureate degree; and
- 5) have two years full-time working experience in the Illinois long-term care industry.

g) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date which concern the facility.

h) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.

i) In the case of Department ordered patient transfers, the receiver may:

- 1) assist in providing for the orderly transfer of all residents in the facility to other suitable facilities, or make other provisions for their continued health;

- 2) assist in providing for transportation of the resident, his medical records and his belongings if he is transferred or discharged; assist in locating alternative placement; assist in preparing the resident for transfer; and permit the resident's

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.270(1)(2) (continued)

legal guardian to participate in the selection of the resident's new location;

- 3) unless emergency transfer is necessary, explain alternative placements to the resident and provide orientation to the place chosen by the resident or resident's guardian.
- j) IN ANY ACTION OR SPECIAL PROCEEDING BROUGHT AGAINST A RECEIVER IN THE RECEIVER'S OFFICIAL CAPACITY FOR ACTS COMMITTED WHILE CARRYING OUT THE AFORESAID POWERS AND DUTIES, THE RECEIVER SHALL BE CONSIDERED A PUBLIC EMPLOYEE UNDER THE LOCAL GOVERNMENTAL AND GOVERNMENTAL EMPLOYEES TORT IMMUNITY ACT (Ill. Rev. Stat. ~~1983~~ 1987, ch. 85, par. 1-101 et. seq.). A RECEIVER MAY BE HELD LIABLE IN A PERSONAL CAPACITY ONLY FOR THE RECEIVER'S OWN GROSS NEGLIGENCE, INTENTIONAL ACTS OR BREACH OF JUDICIARY DUTY. (Section 3-513 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-513)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.272 Determination to Issue a Notice of Violation or Administrative Warning

- a) Upon receipt of a report of an inspection, survey or evaluation of a facility, the Director or his designee shall review the findings contained in the report to determine WHETHER THE REPORT'S FINDINGS CONSTITUTE A VIOLATION OR VIOLATIONS OF WHICH THE FACILITY MUST BE GIVEN NOTICE and which THREATEN THE HEALTH, SAFETY, OR WELFARE OF A RESIDENT OR RESIDENTS. All information, evidence, and observations made during an inspection, survey or evaluation shall be considered findings or deficiencies. (Section 3-212(c) of the Act)
- b) In making this determination, the Director or his designee shall consider any COMMENTS AND DOCUMENTATION PROVIDED BY THE FACILITY within ~~10~~ ten days of receipt of the report in accordance with Section 350.200(c). (Section 3-212(c) of the Act)
- c) In determining whether the findings warrant the issuance of a notice of violation, the Director or his designee shall base his determination on the following factors:
 - 1) THE SEVERITY OF THE FINDING. The Director or his designee will consider whether the finding constitutes a merely technical non-substantial error or whether the finding is serious enough

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.272(c)(1) (continued)

to constitute an actual violation of the intent and purpose of the standard.

- 2) THE DANGER POSED TO RESIDENT HEALTH AND SAFETY. The Director or his designee will consider whether the finding could pose any direct ~~or indirect~~ harm to the residents.
- 3) THE DILIGENCE AND EFFORTS TO CORRECT DEFICIENCIES AND CORRECTION OF REPORTED DEFICIENCIES BY THE FACILITY. Consideration will be given to any evidence provided by the facility in its comments and documentation that steps have been taken to reduce noted findings and to insure a reduction of deficiencies.
- 4) THE FREQUENCY AND DURATION OF SIMILAR FINDINGS IN PREVIOUS REPORTS AND THE FACILITY'S GENERAL INSPECTION HISTORY. The director or his designee will consider whether the same finding or a similar finding relating to the same condition or occurrence has been included in previous reports and the facility has allowed the condition or occurrence to continue or to recur. (Section 3-212(c) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-212(c))~~

d) If the Director or his designee determines that the report's findings constitute a violation or violations which do not directly threaten the health, safety, or welfare of a resident or residents, the DEPARTMENT SHALL ISSUE AN ADMINISTRATIVE WARNING as provided in Section 350.277. (Section 3-303.2(a) of the Act)

e) ~~d)~~ VIOLATIONS SHALL BE DETERMINED UNDER THIS SECTION NO LATER THAN 60 DAYS AFTER COMPLETION OF EACH INSPECTION, SURVEY AND EVALUATION. (Section 3-303.2(c) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-212(c))~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.274 Determination of the Level of a Violation

- a) After determining that issuance of a notice of violation is warranted and prior to issuance of the notice, the Director or his designee will review the findings which are the basis of the violation and any comments and documentation provided by the facility to determine the level of the violation. Each violation shall be determined to be either a level A ~~or level B~~ or level ~~B~~ ~~or level C~~ violation based on the criteria outlined in this Section.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.274 (continued)

- b) The following definitions of levels of violations shall be used in determining the level of each violation:

1) A "level A violation" or "type A violation" is A VIOLATION OF THE ACT OR THESE RULES WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM WILL RESULT THEREFROM. (Section 1-129 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4151-129)~~

2) A "level B violation" or "type B violation" is A VIOLATION OF THE ACT OR THESE RULES WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act) ~~(111 Rev. Stat., 1985, ch. 111 1/2, par. 4151-130)~~

~~3) A "level C violation" or "type C violation" is A VIOLATION OF THE ACT OR THESE RULES WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY WHICH INDIRECTLY THREATENS THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (111 Rev. Stat. 1985, ch. 111 1/2, par. 4151-131)~~

- c) In determining the level of a violation, the Director or his designee shall consider the following criteria:

1) The specific requirements of this Part which have been violated and the designated level of violation for those provisions.

A) The designated level of violation is indicated by the letter or letters in parentheses following specific provisions. The presence of more than one letter following a specific provision indicates that the provision may be applicable to different levels of violation. The absence of any letter following a specific provision indicates that no designated level of violation applicable to that provision has been determined.

B) The designated level of violation will be considered in conjunction with the other criteria contained in subsections (c)(2) and (c)(3) of this Section which may increase or decrease the level of violation cited for a specific violation, except that no violation ~~of a requirement designated as level C~~ will be cited as a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.274(c)(1)(B) (continued)

level B violation unless there is a direct threat to the health, safety or welfare of a resident, or as a level A violation unless there is a substantial probability of the death of a resident or serious mental or physical harm to a resident.

2) The degree of danger to the resident or residents which is posed by the condition or occurrence in the facility. The following factors will be considered in assessing the degree of danger:

A) Whether the resident or residents of the facility are able to recognize conditions or occurrences which may be harmful and are able to take measures for self-preservation and self-protection. The extent of nursing care required by the residents as indicated by review of patient needs will be considered in relation to this determination.

B) Whether the resident or residents have access to the area of the facility in which the condition or occurrence exists and the extent of such access. A facility's use of barriers, warning notices, instructions to staff and other means of restricting resident access to hazardous areas will be considered.

C) Whether the condition or occurrence was the result of inherently hazardous activities or negligence by the facility.

D) Whether the resident or residents of the facility were notified of the condition or occurrence and the promptness of such notice. Failure of the facility to notify residents of potentially harmful conditions or occurrences will be considered. The adequacy of the method of such notification and the extent to which such notification reduced the potential danger to the residents will also be considered.

3) The directness and imminence of the danger to the resident or residents by the condition or occurrence in the facility. In assessing the directness and imminence of the danger, the following factors will be considered:

A) Whether actual harm, including death, physical injury or illness, mental injury or illness, distress, or pain, to a resident or residents resulted from the condition or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.274(c)(3)(A) (continued)

- occurrence and the extent of such harm.
- B) Whether available statistics and records from similar facilities indicate that direct and imminent danger to the resident or residents has resulted from similar conditions or occurrences and the frequency of such danger.
 - C) Whether professional opinions and findings indicate that direct and imminent danger to the resident or residents will result from the condition or occurrence.
 - D) Whether the condition or occurrence was limited to a specific area of the facility or was widespread throughout the facility. Efforts taken by the facility to limit or reduce the scope of the area affected by the condition or occurrence will be considered.
 - E) Whether the physical, mental, or emotional state of the resident or residents, who are subject to the danger, would facilitate or hinder harm actually resulting from the condition or occurrence.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.276 Notice of Violation

- a) EACH NOTICE OF VIOLATION SHALL BE IN WRITING AND SHALL CONTAIN THE FOLLOWING INFORMATION:

- 1) A description of THE NATURE OF THE VIOLATION.
- 2) A citation of the specific STATUTORY PROVISION OR RULE which the Department believes has been violated. (Section 3-301 of the Act) ~~ch. 111, Rev. Stat. 1985, ch. 111 1/2, par. 4153-301~~
- 3) A statement of the level of the violation as determined pursuant to Section 350.274.
- 4) One of the following requirements for corrective action:
 - A) For level A violations, a statement that necessary corrective action to ABATE OR ELIMINATE the violation must be taken IMMEDIATELY or within a specific FIXED PERIOD OF TIME NOT EXCEEDING 15 DAYS. In setting this period, the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.276(a)(4)(A) (continued)

Department will consider whether harm to residents of the facility is imminent, whether necessary precautions can be taken to protect residents before the corrective action is completed, and whether delay would pose additional risks to the residents.

- B) For level B violations ~~and level C violations~~, a REQUEST that the facility submit A PLAN OF CORRECTION WITHIN ~~10~~ TEN DAYS OF THE RECEIPT OF THE NOTICE OF VIOLATION pursuant to Section 3-303 of the Act ~~ch. 111, Rev. Stat. 1985, ch. 111 1/2, par. 4153-303~~ and Section 350.278 of this Part. (Section 3-301 of the Act)
- 5) A statement that the Department may take additional action under the Act, including assessment of penalties or licensure action.
- 6) A description of the licensee's right to appeal the notice and its right to a hearing.
- b) Each notice of violation shall be sent to the facility and the licensee ~~by registered mail~~ or served personally at the facility WITHIN TEN DAYS after the Director or his designee determines that issuance of a notice of violation is warranted under Section 350.272. (Section 3-301 of the Act)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.277 Administrative Warning

- a) Each administrative warning shall be in writing and shall include the following information:

- 1) A description of the nature of the violation.
- 2) A citation of the specific statutory provision or rule which the Department believes has been violated.
- 3) A statement that the FACILITY SHALL BE RESPONSIBLE FOR CORRECTING THE SITUATION, CONDITION, OR PRACTICE. (Section 3-303.2(a) of the Act)

- b) Each administrative warning shall be sent to the facility and the licensee or served personally at the facility within ten days after the Director or his designee determines that issuance of an

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.277(b) (continued)

administrative warning is warranted under Section 350.272.

- c) The facility is not required to submit a plan of correction in response to an administrative warning.
- d) If the Department finds, during THE NEXT ON-SITE INSPECTION WHICH OCCURS MORE THAN 90 DAYS AFTER THE ISSUANCE OF THE ADMINISTRATIVE WARNING, that the facility has not corrected the situation, condition, or practice which resulted in the issuance of the administrative warning, the Department shall notify the facility of the finding. The facility must then submit a written plan of correction as provided in Section 350.278. The Department will consider the plan of correction and take any necessary action in accordance with Section 350.278. (Section 3-303.2(b) of the Act)

(Source: Added at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.278 Plans of Correction

- a) A FACILITY SHALL HAVE ~~10~~ TEN DAYS AFTER RECEIPT OF A NOTICE OF VIOLATION FOR A LEVEL B ~~OR LEVEL C~~ VIOLATION, or after receipt of a notice under Section 350.277(d) of failure to correct a situation, condition, or practice which resulted in the issuance of an administrative warning, TO PREPARE AND SUBMIT A PLAN OF CORRECTION to the Department. (Section 3-303(b) of the Act)
- b) Within the ~~10~~ ten-day period, a facility may request additional time for submission of the plan of correction. The Department will extend the period for submission of the plan of correction for an additional 30 days, when it finds that corrective action by a facility to abate or eliminate the violation will require SUBSTANTIAL CAPITAL IMPROVEMENT. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the facility in determining whether to grant a requested extension. (Section 3-303(b) of the Act)
- c) Each plan of correction shall be based on an assessment by the facility of the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:
 - 1) A description of the specific corrective action the facility is

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.278(c)(1) (continued)

- taking, or plans to take, to abate, eliminate, or correct the violation cited in the notice.
- 2) A description of the steps which will be taken to avoid future occurrences of the same and similar violations.
- 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.
- e) The Department shall review each plan of correction to insure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:
 - 1) The plan does not appear to address the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences.
 - 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
 - 3) The plan does not provide for measures which will abate or eliminate, or correct the violation.
 - 4) The plan does not provide steps which will avoid future occurrences of the same and similar violations.
 - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the residents, and the extent and complexity of the corrective action.
- f) When the Department rejects a submitted plan of correction, it shall notify the facility. The notice of rejection shall be in writing and shall specify THE REASON FOR THE REJECTION. THE FACILITY SHALL HAVE TEN ~~10~~ DAYS AFTER RECEIPT OF THE NOTICE OF REJECTION TO SUBMIT A MODIFIED PLAN. (Section 3-303(b) of the Act)
- g) If a facility fails to submit a plan or modified plan meeting the criteria in subsection (c) within the prescribed time periods in subsection (a) or subsection (d), AN APPROVED PLAN OF CORRECTION WILL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.278(g) (continued)

BE IMPOSED BY THE DEPARTMENT. (Section 3-303(b) of the Act) ~~(111-Rev. Stat. 1995, ch. 111 1/2, par. 4153-303(b))~~

- h) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.280 Reports of Correction

- a) In lieu of submission of a plan of correction, a facility may submit a report of correction if the corrective action has been completed. The report of correction must be submitted within the time periods required in Section 350.278 for submission of a plan of correction.
- b) Each report of correction shall be based on an assessment by the facility of the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each report of correction shall include:

- 1) A description of the specific corrective action the facility has taken to abate, eliminate, or correct the violation cited in the notice.
 - 2) A description of the steps which have been taken to avoid future occurrences of the same and similar violations.
 - 3) The specific date on which the corrective action was completed.
 - 4) A signed statement by the administrator of the facility that the report of correction is true and accurate, which shall be considered an oath for the purposes of any legal proceedings.
- c) Submission of a report of correction shall not be considered an admission by the facility that the violation has occurred.
- d) The Department shall review and approve or disapprove the report of correction based on the criteria outlined in Section 350.278(d) for review of plans of correction. If a report of correction is disapproved, the facility shall be subject to a plan of correction

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.280(d) (continued)

imposed by the Department as provided in Section 350.278.

- e) The Department shall verify the completion of the corrective action outlined in the report of correction during subsequent investigations, surveys and evaluations of the facility.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.282 Conditions for Assessment of Penalties

The Department shall consider the assessment of a monetary penalty against a facility under the following conditions:

- a) When a notice of violation for a level A violation is issued.
- 1) The penalty to be assessed for this violation shall be the greater of the following:

- A) An amount NOT LESS THAN \$5000 as determined by the Director or his designee considering the factors outlined in Section 350.286(a), or

- B) The total of the following:

- i) \$5 PER RESIDENT IN THE FACILITY, PLUS
- ii) \$.20 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY ON WHICH THE NOTICE OF VIOLATION IS RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(1) of the Act) ~~(111-Rev. Stat. 1995, ch. 111 1/2, par. 4153-305(1))~~

- 2) The facility shall also be issued a conditional license for a period of six months as provided in Section 350.260.

- b) When a facility fails to abate or eliminate a level A violation immediately or within the period set by the Department in the notice of violation pursuant to Section 350.276(a)(4)(A).

- 1) The facility shall be cited for a repeat violation.
- 2) The penalty to be assessed shall be three times the penalty computed under subsection (a)(1) of this Section.

Section 350.282(b) (continued)

- 3) The license of the facility shall be revoked as provided in Section 350.180.

c) When a notice of violation for a level B violation is issued.

- 1) The penalty to be assessed for this violation shall be the greater of the following:

A) An amount NOT LESS THAN \$500 as determined by the Director or his designee considering the factors outlined in Section 350.286(a), or

B) The total of the following:

i) \$3 PER RESIDENT IN THE FACILITY, PLUS

ii) \$15 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY ON WHICH THE NOTICE OF VIOLATION IS RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(2) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 112, par. 4153-305(2))~~

2) Upon acceptance of a plan of correction by the Department,

assessment of the penalty shall be suspended by the Department. No additional penalty shall be imposed for days during which the plan of correction is in effect.

d) When a facility fails to correct a level B violation within the time period specified in the plan of correction approved by the Department.

1) The facility shall be cited for a repeat violation.

2) The penalty to be assessed shall be computed in accordance with subsection (c)(1) of this Section. Days during which the plan of correction was in effect shall be included in the calculation of the penalty.

3) The facility shall also be issued a conditional license for a period of at least six months as provided in Section 350.260.

~~e) When a facility fails to implement the corrective action required in the plans of correction for ten or more level C violations within the time period required in the plans of correction approved by the Department and fails to substantially address the issues raised by~~

Section 350.282(d) (continued)

~~the violations routinely throughout the facility.~~

~~1) The facility shall be cited for repeat violations.~~

~~2) The penalty to be assessed shall be calculated as the total of the following:~~

~~A) \$1.50 PER RESIDENT IN THE FACILITY, PLUS~~

~~B) \$10 PER RESIDENT FOR EACH DAY OF THE REPEAT VIOLATIONS, COMMENCING ON THE DAY ON WHICH THE NOTICE OF THE REPEAT VIOLATIONS ARE RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-305(3))~~

~~e) f) WHEN A NOTICE OF VIOLATION IS ISSUED FOR A VIOLATION OF ARTICLE II OF THE ACT (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-101 through 4152-212) WITH REGARD TO THE RIGHTS OF A PARTICULAR RESIDENT OF THE FACILITY, THE DEPARTMENT SHALL ORDER THE FACILITY TO REIMBURSE THE RESIDENTS FOR ANY INJURIES INCURRED OR IF THE AMOUNT OF THE INJURIES IS LESS THAN \$100, THE DEPARTMENT SHALL ORDER THE FACILITY TO PAY \$100 TO THE RESIDENT. (Section 3-305(7) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-305(6))~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.284 Calculation of Penalties

a) For the purpose of calculating penalties as provided in Section 350.282, EACH DAY ON WHICH A VIOLATION CONTINUES TO EXIST AFTER THE DAY ON WHICH NOTICE OF THE VIOLATION IS RECEIVED BY THE FACILITY SHALL BE CONSIDERED A SEPARATE VIOLATION. The Department shall not be required to send additional notices of violation to the facility for such continuing violations. (Section 3-302 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-302)~~

b) For purposes of calculating penalties as provided in Section 350.282, THE NUMBER OF RESIDENTS IN THE FACILITY AND THE NUMBER OF RESIDENTS ON EACH DAY SHALL BE CALCULATED AS THE AVERAGE NUMBER OF RESIDENTS IN THE FACILITY DURING THE ~~THIRTY~~ 30 DAYS IMMEDIATELY PRECEDING THE DAY ON WHICH THE FINDINGS WERE MADE IN THE FACILITY AND THE CONDITIONS OR OCCURRENCES DETERMINED TO BE A VIOLATION WERE DISCOVERED. The number of residents in the facility on the day on which the findings were made in the facility will be considered to be

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 350.284(b) (continued)

the same as the average number of residents in the facility during the preceding ~~thirty~~ 30 days, unless evidence is provided by the facility substantiating that the average number of residents for that period was different. Changes in the number of residents in the facility subsequent to the day on which the findings were made shall not be considered in the calculation. (Section 3-305(5) of the Act) ~~-(Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4153-305(6))~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.286 Determination to Assess Penalties

a) The Director or his designee shall consider the following factors in determining whether or not to assess penalties for violations under the conditions outlined in Section 350.282.

1) THE SEVERITY OF HARM, INCLUDING DEATH OR SERIOUS PHYSICAL OR MENTAL HARM, WHICH HAS RESULTED TO A RESIDENT AND THE EXTENT TO WHICH RESIDENTS HAVE BEEN SUBJECT TO POTENTIAL SERIOUS HARM. A penalty will be assessed when the Director or his designee finds that death or serious physical or mental harm to a resident has occurred or that the facility has knowingly subjected residents to potential serious harm.

2) THE GRAVITY OF THE VIOLATION AND THE EXTENT TO WHICH THE PROVISIONS OF THE ACT OR THIS PART ~~RULES~~ WERE VIOLATED. The Director or his designee will assess a monetary penalty if he finds that the violation recurred or continued, is widespread throughout the facility or evidences flagrant violation or the Act or this Part ~~these rules~~.

3) THE EXTENT AND SERIOUSNESS OF ANY PREVIOUS VIOLATIONS COMMITTED BY THE FACILITY AND THE EXTENT OF DILIGENCE EXERCISED BY THE FACILITY TO CORRECT SUCH VIOLATIONS. The Director or his designee will assess a penalty when he finds that the facility has been cited for similar violations and has failed to correct such violations as promptly as practicable or has failed to exercise diligence in taking necessary corrective action. The Director or his designee will also consider any evidence that the violations constitute a pattern of deliberate action by the facility. The extent of any change in the ownership and management of the facility will be considered in relation to the seriousness of previous violations.

Section 350.286(a) (continued)

4) ANY POSSIBLE FINANCIAL BENEFIT THE FACILITY COULD GAIN AS A RESULT OF COMMITTING OR CONTINUING THE VIOLATION. Such benefits include, but are not limited to, diversion of costs associated with physical plant repairs, staff salaries, consultant fees, or direct patient care services. (Section 3-306 of the Act) ~~-(Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4153-306)~~

b) If the Director or his designee determines that a penalty is to be assessed, a written notice of penalty assessment shall be sent to the facility ~~by registered mail~~. Each notice of penalty assessment shall include:

- 1) THE AMOUNT OF THE PENALTY being assessed as provided in Section 350.282.
- 2) The amount of any reduction or whether the penalty has been waived pursuant to Section 350.288.
- 3) A description of THE VIOLATION, including a reference to the notices of violation and plans of correction which are the basis of the assessment.
- 4) A citation to the provision of THE ACT OR THE RULE which the facility has violated.
- 5) A description of the right of the facility to appeal the assessment and of the RIGHT OF THE FACILITY TO A HEARING.
- 6) For violations which are continuing at the time the notice of assessment, THE AMOUNT OF ADDITIONAL PENALTIES PER DAY which will be assessed. (Section 3-307 of the Act) ~~-(Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4153-307)~~

c) Penalties shall be paid by the facility to the Department within the time periods provided in Section 3-310 of the Act. ~~-(Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4153-310)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.288 Reduction or Waiver of Penalties

- a) Reductions for all types of violations subject to penalties.
- 1) The Director or his designee shall consider the factors

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.288(a)(1) (continued)

contained in Section 350.286(a) in determining whether to reduce the amount of the penalty to be assessed from the amount calculated pursuant to Section 350.284 and in determining the amount of such reduction.

- 2) When the Director or his designee finds that correction of a violation required capital improvements or repairs in the physical plant of the facility and the facility has a history of compliance with physical plant requirements, the penalty will be reduced by the amount of the cost of the improvements or repairs. This reduction, however, shall not reduce the penalty for a level A violation to an amount less than \$1000.

b) Reductions and waivers for level B violations.

- 1) Penalties resulting from level B violations may be reduced or waived only under one of the following conditions:
 - A) THE FACILITY SUBMITS A REPORT OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, and the report is subsequently verified by the Department.
 - B) THE FACILITY SUBMITS A PLAN OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, the plan is approved by the Department, THE FACILITY SUBMITS A REPORT OF CORRECTION WITHIN ~~FIFTEEN~~ 15 DAYS after submission of the plan or correction, and the report is subsequently verified by the Department.
 - C) THE FACILITY SUBMITS A PLAN OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, THE PLAN PROVIDES FOR CORRECTION WITHIN NOT MORE THAN ~~THIRTY~~ 30 DAYS after submission of the plan of correction, and THE PLAN IS APPROVED BY THE DEPARTMENT.
 - D) Correction of the violation requires substantial capital improvements or repairs in the physical plant of the facility, THE FACILITY SUBMITS A PLAN OR CORRECTION INVOLVING SUBSTANTIAL CAPITAL COSTS, THE PLAN OF CORRECTION PROVIDES COMPLETION OF THE CORRECTIVE ACTION WITHIN ~~NINETY~~ 90 DAYS after submission of the plan, and the plan is approved by the Department. (Section 3-308 of the Act) (*Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-308*)
- 2) Under these conditions, the Director or his designee shall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.288(b)(2) (continued)

consider the factors outlined in Section 350.286(a) in determining whether to reduce or waive the penalty and in setting the amount of any reduction.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.290 Quarterly List of Violators

- a) THE DEPARTMENT SHALL PREPARE ON A QUARTERLY BASIS A LIST CONTAINING THE NAMES AND ADDRESSES OF ALL FACILITIES AGAINST WHICH THE DEPARTMENT DURING THE PREVIOUS QUARTER HAS:

- 1) Issued a NOTICE OF PENALTY ASSESSMENT for a level A violation as provided in Section 350.286 of this Part and Section 3-305(1) of the Act. ~~sent a notice under Section 3-307 regarding a penalty assessment under subsections (1), (2), (4) or (5) of Section 3-305;~~
- 2) Issued a NOTICE OF REVOCATION of the facility's license as provided in Section 350.180 of this Part and ~~sent a notice of license revocation under~~ Section 3-119 of the Act.
- 3) Issued a NOTICE REFUSING RENEWAL of the facility's license as provided in Section 350.175 of this Part and ~~sent a notice refusing renewal of a license under~~ Section 3-119 of the Act.
- 4) Issued a NOTICE TO SUSPEND the facility's license as provided in ~~sent a notice to suspend a license under~~ Section 3-119 of the Act.
- 5) ISSUED A CONDITIONAL LICENSE to the facility based on violations which were NOT CORRECTED as provided in Section 350.260 of this Part and Section 3-313 of the Act. ~~Issued a conditional license for violations and penalties described under Sections 3-301 and 3-303;~~
- 6) PLACED A MONITOR IN THE FACILITY as provided in Section 350.270 of this Part and Section 3-501 of the Act for one of the following reasons: ~~placed a monitor under subsections (a), (b) and (c) of Section 3-501 and under subsection (d) of such Section where license revocation or nonrenewal notices have also been issued;~~

Section 350.290(a)(6) (continued)

- A) The facility is operating without a license.
- B) The Department has revoked or refused to renew the license of the facility.
- C) The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure.
- D) The Department determines that an emergency exists and HAS ISSUED A NOTICE OF REVOCATION OR NONRENEWAL against the facility's license.

7) INITIATED AN ACTION TO APPOINT A RECEIVER. ~~---~~

- 8) RECOMMENDED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC AID, OR THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DECERTIFICATION FOR VIOLATIONS IN RELATION TO PATIENT CARE OF A FACILITY PURSUANT TO TITLES XVIII AND XIX (42 U.S.C. Sections 1395 et seq. and 1396 et seq.) OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C. 1395 et seq. and 1396 et seq.). (Section 3-304(a) of the Act) ~~(Ill. Rev. Stat., 1985 Supp., ch. 111 1/2, par. 4153-304(a))~~

- b) IN ADDITION TO THE NAME AND ADDRESS OF THE FACILITY, THE LIST SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON OR LICENSEE AGAINST WHOM THE ACTION HAS BEEN INITIATED, A SELF-EXPLANATORY SUMMARY OF THE FACTS WHICH WARRANTED THE INITIATION OF EACH ACTION, THE TYPE OF ACTION INITIATED, THE DATE OF THE INITIATION OF THE ACTION, THE AMOUNT OF THE PENALTY SOUGHT TO BE ASSESSED, IF ANY, AND THE FINAL DISPOSITION OF THE ACTION, IF COMPLETED. (Section 3-304(b) of the Act) ~~(Ill. Rev. Stat., 1985 Supp., ch. 111 1/2, par. 4153-304(b))~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.300 Alcoholism Treatment Programs In Long-Term Care Facilities

- a) A long-term care facility that desires to provide an alcoholism treatment program must first receive written approval from ~~both~~ the Department ~~Division of Health Facilities Surveillance and the Division of Health Facilities Standards~~. Such approval will be granted only if it can be shown that such program will not interfere in any way with the residents in the other parts of the facility. ~~(C)~~

Section 350.300 (continued)

- b) Any alcoholism treatment program in a long-term care facility must meet the program standards of the rules for Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058-200) ~~Alcoholism and Intoxication Treatment Programs~~, as promulgated by the Illinois Department of Alcoholism and Substance Abuse ~~Public Health~~ under the Illinois Alcoholism and Other Drug Dependency Act ~~Alcoholism Treatment Licensing Act~~. (Ill. Rev. Stat. 1987 ~~1979~~, ch. 111 1/2, par. 6351-1 ~~2301~~ et seq.) ~~(C)~~
- c) The alcoholism treatment program must be in a completely separate distinct part of the long-term care facility, and must include all beds in that distinct part. It must be completely separated from the rest of the facility, and have separate entrances. ~~(C)~~
- d) Beds designated for alcoholism treatment cannot be used for long-term care residents, nor can beds designated for long-term care residents be used for residents undergoing treatment for alcoholism. ~~(C)~~
- e) The alcoholism treatment program staff will not be utilized in performing services in the long-term care area of the facility, nor will long-term care program staff be utilized to provide any services in the alcoholism treatment designated area. ~~(C)~~
- f) There may be joint use of laundry, food service, housekeeping and administrative services, provided written approval is obtained from the Department ~~Division of Long-Term Care~~. Such approval will be granted only if it can be shown that such joint usage will not interfere in any way with the residents in other parts of the facility. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.310 Department may Survey Facilities Formerly Licensed

THE DEPARTMENT MAY SURVEY ANY FORMER FACILITY WHICH ONCE HELD A LICENSE TO INSURE THAT THE FACILITY IS NOT AGAIN OPERATING WITHOUT A LICENSE. (Section 3-107 of the Act)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.320 Waivers

- a) UPON APPLICATION BY A FACILITY, THE DIRECTOR MAY GRANT OR RENEW THE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.320(a) (continued)

WAIVER OF THE FACILITY'S COMPLIANCE WITH A RULE OR STANDARD FOR A PERIOD NOT BE EXCEED THE DURATION OF THE CURRENT LICENSE OR, IN THE CASE OF AN APPLICATION FOR LICENSE RENEWAL, THE DURATION OF THE RENEWAL PERIOD. (Section 3-303.1 of the Act)

b) THE WAIVER MAY BE CONDITIONED UPON THE FACILITY TAKING ACTION PRESCRIBED BY THE DIRECTOR AS A MEASURE EQUIVALENT TO COMPLIANCE. (Section 3-303.1 of the Act)

c) IN DETERMINING WHETHER TO GRANT OR RENEW A WAIVER, THE DIRECTOR SHALL CONSIDER:

- 1) THE DURATION AND BASIS FOR ANY CURRENT WAIVER WITH RESPECT TO THE SAME RULE OR STANDARD;
- 2) THE CONTINUED VALIDITY OF EXTENDING THE WAIVER ON THE SAME BASIS;
- 3) THE EFFECT UPON THE HEALTH AND SAFETY OF RESIDENTS;
- 4) THE QUALITY OF RESIDENT CARE (~~and~~ whether the waiver would reduce the overall quality of the resident care below that required by the Act or ~~rules in~~ this Part);
- 5) THE FACILITY'S HISTORY OF COMPLIANCE WITH THE ~~RULES AND STANDARDS OF THIS~~ ACT AND THIS PART (~~and~~ the existence of a consistent pattern of violation of the Act or ~~rules of~~ this Part); and

6) THE FACILITY'S ATTEMPTS TO COMPLY WITH THE PARTICULAR RULE OR STANDARD IN QUESTION. (Section 3-303.1 of the Act) (~~Ill. Rev. Stat. 1995 Supp., ch. 111 1/2, par. 4153-303.1~~)

d) THE DEPARTMENT SHALL RENEW WAIVERS RELATING TO PHYSICAL PLANT STANDARDS ISSUED PURSUANT TO THIS SECTION AT THE TIME OF THE INDICATED REVIEWS, UNLESS IT CAN SHOW WHY SUCH WAIVERS SHOULD NOT BE EXTENDED FOR THE FOLLOWING REASONS:

- 1) THE CONDITION OF THE PHYSICAL PLANT HAS DETERIORATED OR ITS USE SUBSTANTIALLY CHANGED SO THAT THE BASIS UPON WHICH THE WAIVER WAS ISSUED IS MATERIALLY DIFFERENT; OR
- 2) THE FACILITY IS RENOVATED OR SUBSTANTIALLY REMODELED IN SUCH A WAY AS TO PERMIT COMPLIANCE WITH THE APPLICABLE RULES AND

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.320(d)(2) (continued)

STANDARDS WITHOUT SUBSTANTIAL INCREASE IN COST. (Section 3-303.1 of the Act) (~~Ill. Rev. Stat. 1995 Supp., ch. 111 1/2, par. 4153-303.1~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.330 Definitions

a) ~~Each definition is considered to be a separate rule, but they are not given individual numbers because they are listed alphabetically, and numbers would have to be changed each time a new definition was added or deleted.~~

b)

The terms defined in this Section ~~below~~ are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OF SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part ~~these standards~~, the "Nursing Home Care ~~Reform~~ Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988). ~~of 1979, as amended.~~"

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 350.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a Level A or Level B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

Aide or Orderly - any person providing direct personal care, training ~~and/or~~ or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial ~~etc.,~~ aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part ~~these regulations~~ means any

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns:

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's ~~445~~ life.

Contract - a binding agreement between a resident or the resident's ~~445~~ guardian (or, if the resident is a minor, the resident's ~~445~~ parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. ~~2202~~ ~~2301~~ et seq.).

Department - as used in this Part ~~these standards~~ means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age ~~eighteen~~ ~~(18)~~, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disabilities (DD) Aide - any person who provides nursing, personal ~~and/or~~ or habilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered by the Department of ~~Registration and Education~~ Professional Regulation to render medical care. Other titles often used to refer to DD aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;

is manifest before age ~~twenty-two~~ ~~(22)~~;

is likely to continue indefinitely;

results in substantial functional limitations in three ~~(3)~~ or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

more of the following areas of major life activities:

- self-care;
- receptive and expressive language;
- learning;
- mobility;
- self-direction;
- capacity for independent living; and
- economic self-sufficiency; and

reflects the persons' needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides ~~theory~~ ~~(-90-)~~ or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

nutrition, dietetics, and food service management, has one ~~(1)~~ year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY. (Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this part ~~these standards~~.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five ~~(5)~~ and ~~eighty~~ ~~(80)~~ ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part ~~these standards~~ is a facility of three ~~(3)~~ or more persons, or distinct part thereof, serving residents of which more than ~~fifty~~ ~~(50)~~ percent are developmentally disabled. Facilities with any number less than ~~fifty~~ ~~(50)~~ percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO ~~THE COUNTY HOME ACT~~ ~~(111. Rev. Stat. 1983)~~ 1987, ch. 34, par. ~~53~~ 5361 et seq.), AS NOW OR HEREAFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" ~~APPROVED JULY 21, 1959~~ (111. Rev. Stat. ~~1983~~ 1987, ch. 34, par. 3561 et seq.) AS NOW OR HEREAFTER AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE ~~(3)~~ OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION OF ORGANIZED FACILITIES THEREFORE, WHICH IS REQUIRED TO BE LICENSED UNDER THE ~~"HOSPITAL LICENSING ACT"~~ (111. Rev. Stat. ~~1983~~ 1987, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREAFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE ~~"CHILD CARE ACT OF 1969"~~ (111. Rev. Stat. ~~1983~~ 1987, ch. 23, par. 2211 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two ~~(2)~~ month period of time.

Full-time - means on duty a minimum of ~~thirty-six~~ ~~(36)~~ hours, four ~~(4)~~ days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a

Section 350.330 (continued)

facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE "PROBATE ACT OF 1975" (Ill. Rev. Stat. ~~1983~~ 1987, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the "General Not For Profit Corporation Act of 1986" ~~approved July 17, 1943~~, as heretofore or hereafter amended (Ill. Rev. Stat. ~~1983~~ 1987, ch. 32, par. ~~163a~~ 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged", ~~approved July 21, 1959~~, as heretofore or hereafter amended (Ill. Rev. Stat. ~~1983~~ 1987, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three ~~(3)~~ or more residents, ~~eighty~~ 90 percent of whom are ~~sixty~~ (60) or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty ~~forty~~ (40) hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Section 350.330 (continued)

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part ~~these regulations~~ means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF/DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the "Nursing Home Administrators Licensing and Disciplinary Act" (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, pars. ~~3601~~ 3651 et seq.), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's ~~life~~ life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms, ~~and so forth.~~

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms, ~~and so forth.~~

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN ~~THE ILLINOIS NURSING ACT OF 1987~~ (Ill. Rev. Stat. ~~1983-1987~~, ch. 111, par. ~~3401-3501~~ et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care ~~and/or~~ or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of ~~Registration and Education~~ Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than ~~seventy-five (75)~~ beds, none of which are more than ~~one hundred twenty (120)~~ feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of ~~Registration and Education~~ Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. ~~1983-1987~~, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of ~~Registration and Education~~ Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. ~~1983-1987~~, ch. 111, par. 3701 et seq.).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY. EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

~~Person in Need of Mental Treatment - any person who is mentally ill and who, because of his illness, is reasonably expected to inflict serious physical harm upon himself or another in the near future or is unable to provide for his basic physical needs so as to guard himself from serious harm.~~

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist. Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. ~~4062~~ 4121 et seq.).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

Physical Therapy Assistant - a person who has graduated from a two ~~(2)~~ year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of ~~Registration and Education~~ Professional Regulation as a physical therapist under the Illinois Physical Therapy ~~Licensing~~ Act (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111 par. ~~4201~~ 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the "Medical Practice Act of 1987" (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. ~~4401~~ 4400-1 et seq.).

Probationary License - an initial license issued for a period of ~~one hundred twenty (120)~~ days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three ~~(3)~~ years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by ~~registered with~~ the Illinois Department of Professional Regulation ~~Registration and Education~~ to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications ~~15~~:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a

Section 350.330 (continued)

recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

~~an educator with a degree in education from an accredited program and with specialized training or one (1) year of experience in working with the mentally retarded.~~

~~a physical or occupational therapist who has specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a physician licensed by the State of Illinois to practice medicine or osteopathy and with specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a psychologist with at least a Master's Degree from an accredited program and with specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a registered nurse with a valid current Illinois registration to practice as a registered professional nurse who has specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a speech pathologist or audiologist who has specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a registered social worker with a Bachelor's Degree in social work from an accredited program, or a Bachelor's Degree in a field other than social work and at least three (3) years' social work experience under the supervision of a qualified social worker, and with specialized training or with one (1) year of experience in working with the mentally retarded.~~

~~a therapeutic recreation specialist who is a graduate of an accredited program and eligible for Certification by the National Council for Therapeutic Recreation Certification, and who has specialized training or one (1) year experience working with the mentally retarded.~~

~~a rehabilitation counselor who is certified by the Commission~~

Section 350.330 (continued)

~~on Rehabilitation Counselor Certification and who has specialized training or one (1) year of experience in treating the mentally retarded.~~

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified, etc., by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license ~~agitation~~ from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.).

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two (2) or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Section 350.330 (continued)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric ~~and/or~~ adaptive chairs, a wide band ~~(minimum width six (6) inches)~~, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident ~~he~~ cannot open.

Self Preservation - the ability to follow directions ~~and/or~~ and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 6351 et seq., as amended by Public Act 85-1131, effective July 21, 1988) ~~by the State of Illinois (registered or certified by the Illinois Department of Registration and Education; and~~

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are

Section 350.330 (continued)

approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one ~~(1)~~ year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST ~~5%~~ FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part ~~these regulations~~ means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance which result in important omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 350.280(q)(8), 350.280(k)(2) and 350.280(k)(4).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 350.180(b)(1) and 350.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant level (two ~~(2)~~ year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.330 (continued)

~~Type C Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility which indirectly threatens the health, safety or welfare of a resident.~~

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five ~~(5)~~ nor more than ~~twenty (20)~~ beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

~~Utensil Sanitizer - an apparatus for sanitizing unwrapped bulky type utensils by using boiling water and steam heat not under pressure.~~

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.340 Incorporated and Referenced Materials

a) The following regulations, standards, and statutes are incorporated or referenced in this Part:

1) Private and professional association standards:

A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1980), which may be obtained from the American Dietetic Association, 430 North Michigan Avenue, Chicago, Illinois 60611.

B) American National Standards Institute, Standard A17.1-84: Safety Code for Elevators and Escalators (1985), which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.340(a)(1) (continued)

- C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (1977), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning, United Engineering Center, 345 East 47th Street, New York, New York 10017.
- D) The following standards of the American Society for Testing and Materials (ASTM):
- i) Standard No. E-84-1977A: Method of Test for Surface Burning Characteristics of Building Materials.
 - ii) Standard No. E90-1975: Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions.
- E) International Conference Building Officials, Uniform Building Code (1976 and 1982).
- F) National Fire Protection Association (NFPA), Standard No. 101: Life Safety Code, Appendix B (1981), and the following standards, which may be obtained from National Fire Protection Association, Battery Park, Quincy, Massachusetts 02269:
- i) No. 10 (1978): Standards for Portable Extinguishers
 - ii) No. 13 (1980): Standards for the Installation of Sprinkler Systems
 - iii) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems
 - iv) No. 70 (1981): National Electric Code
 - v) No. 90A (1978): Standards for the Installation of Air Conditioning and Ventilating Systems
 - vi) No. 96 (1980): Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment
 - vii) No. 220 (1979): Standards Types of Building Construction

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.340(a)(1)(F) (continued)

- viii) No. 253 (1978): Flooring Radiant Heat Energy Test
 - ix) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials
- G) Compressed Gas Association, Pamphlet P-2.1: Standard for Medical-Surgical Vacuum Systems in Hospitals (1976).
- H) Underwriters' Laboratory, Inc., Fire resistance Index, Building Material Directory, and Standard No. 181 (1974): Factory Made Air Duct Materials and Air Duct Connectors.
- I) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.
- J) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.
- K) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.
- 2) Federal statutes and regulations:
- A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
 - B) Social Security Act (42 U.S.C.A. 301 et seq.)
 - ~~C) U.S. Public Health Service, Food Service Sanitation Manual (1985).~~
 - ~~D) U.S. Public Health Service, Isolation Techniques for Use in Hospitals (1985).~~
- 3) State of Illinois Statutes:
- A) Illinois Alcoholism and Other Drug Dependency Treatment

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.340(a)(3) (continued)

- ~~Licensing~~ Act (Ill. Rev. Stat. 1987 ~~1985~~, ch. 111 1/2, par. 6351-1 ~~2301~~ et seq.)
- B) Boiler and Pressure Vessel Safety Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 3201 et seq.)
- C) Child Care Act of 1969 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 23, par. 2211 et seq.)
- D) ~~AN ACT to create the Court of Claims Act, to prescribe its powers and duties, and to repeal an Act heretofore named~~ (Ill. Rev. Stat. ~~1985~~ 1987, ch. 37, par. 439.1 et seq.)
- E) The Illinois Dental Practice Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. 2301 et seq.)
- F) The Election Code (Ill. Rev. Stat. ~~1985~~ 1987, ch. 46, par. 1-1 et seq.)
- G) Freedom of Information Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 116, par. 201 et seq.)
- H) General Not For Profit Corporation Act of 1986 (Ill. Rev. Stat. 1987 ~~1985~~, ch. 32, par. 101.01 ~~163a~~ et seq.)
- I) Illinois Health Facilities Planning Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 1151 ~~et~~ et seq.)
- J) Hospital Licensing Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 142 et seq.)
- K) Article I, Division 3, Illinois Municipal Code (Ill. Rev. Stat. 1987 ~~1985~~, Article I, Division 3, ch. 24, pars. 1-3-1 et seq. ~~through 1-3-6~~)
- L) Illinois Controlled Substances Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 56 1/2, par. 1100 et seq)
- M) Life Care Facilities Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 4160-1 et seq)
- N) Local Governmental and Governmental Employees Tort Immunity Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 85, par. 1-101 et seq.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.340(a)(3) (continued)

- O) Medical Practice Act of 1987 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. ~~4401~~ ~~4400-1~~ et seq.)
- P) Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. ~~1985~~ 1987, ch. 91 1/2, par. 1-100 et seq.)
- Q) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. ~~3401~~ ~~3501~~ et seq.)
- R) Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. ~~3601~~ ~~3651~~ et seq.)
- S) Nursing Home Care ~~Reform~~ Act ~~of 1979~~ (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988)
- T) Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. 3701 et seq.)
- U) Pharmacy Practice Act of 1987 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. ~~4001~~ ~~4121~~ et seq.)
- V) Illinois Physical Therapy Act of 1985 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. 4251 et seq.)
- W) Private Sewage Disposal Licensing Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 116.301 et seq.)
- X) Probate Act of 1975 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 110 1/2, par. 1-1 et seq.)
- Y) The Illinois Public Aid Code (Ill. Rev. Stat. ~~1985~~ 1987, ch. 23, par. 1-1 et seq.)
- Z) Safety Glazing Materials Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 3101 et seq.)
- 4) State of Illinois rules:
- A) Office of the State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.340(a)(4) (continued)

- B) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety Rules and Regulations (41 Ill. Adm. Code 120)
- C) Capital Development Board, Illinois Accessibility Code
~~Standards Illustrated~~ (71 Ill. Adm. Code 400)
- ~~D) Department of Public Health, Alcoholism and Intoxication—
Treatment Programs (77 Ill. Adm. Code 200)~~
- D) ~~E)~~ Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- E) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
- F) Department of Public Health, Food Service Sanitation (77 Ill. Adm. Code 750)
- G) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)
- H) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- I) Department of Public Health, Drinking Water Systems (77 Ill. Adm. Code 900)
- J) Department of Public Health, Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
- K) Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
- ~~L) Department of Public Aid, Access to Cost Reports (89 Ill. Adm. Code 140-544)~~
- L) ~~M)~~ Department of ~~Registration and Education—Professional Regulation, Controlled Substance Act (77 Ill. Adm. Code 3100-1650—)~~
- M) Department of Alcoholism and Substance Abuse, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058)
- N) Department of Public Aid, Access to Cost Reports (89 Ill.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.340(a)(4)(N) (continued)

Adm. Code 140.544)

O) ~~N)~~ Department of Transportation, Regulation of Construction within Flood Plains (92 Ill. Adm. Code 706)

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

c) All citations to federal regulations in this Part concern the specified regulation in the 1986 Code of Federal Regulations, unless another date is specified.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART B: ADMINISTRATION

Section 350.510 Administrator

- a) There shall be an administrator licensed under the "Illinois—
Nursing Home Administrators Licensing and Disciplinary Act" (Ill. Rev. Stat. 1983-1987, ch. 111, par. 3601-3651 et seq.) full-time for each licensed facility. The licensee will report any change in administrator to the Department, within five ~~(5)~~ ~~(6)~~ days.
- b) The administrator shall delegate in writing adequate authority to a person at least ~~(18)~~ ~~(18)~~ years of age who is capable of acting in an emergency during his absence. Such administrative assignment shall not interfere with resident care and supervision. The administrator or the person designated by ~~him/her~~ the administrator to be in charge of the facility in ~~his/her~~ the administrator's absence, shall be deemed by the Department to be the agent of the licensee for the purposes of Section 3-212 of the ~~Nursing Home Care Reform~~ Act, which requires Department staff to provide the licensee with a copy of their report before leaving the facility. (B-~~6~~)
- c) The administrator shall arrange for facility supervisory personnel to annually attend appropriate educational programs on supervision, nutrition, and other pertinent subjects. ~~(6)~~
- d) The administrator shall appoint in writing a member of the facility

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.510(d) (continued)

staff to coordinate the establishment of, and render assistance to, the residents' advisory council. ~~(C)~~

- e) The licensee and the administrator shall be familiar with this Part. They shall be responsible for seeing that the applicable regulations are met in the facility and that employees are familiar with those regulations according to the level of their responsibilities. (A, B, ~~C~~)

- f) If the facility has an assistant administrator, the Department shall be informed of the name and dates of employment and termination of this person. This will provide documentation of service to qualify for a license under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1987, ch. 111, par. 3651 et seq.). ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART C: POLICIES

Section 350.610 Management Policies

- a) The facility's governing body shall exercise general direction of the facility, and shall establish the broad policies and procedures for the facility related to its purpose, objectives, operation, and the welfare of the residents served. ~~(C)~~

- b) There shall be established a table of organization showing the major operating programs of the facility, with staff divisions, the administrative personnel in charge of programs and divisions, and their lines of authority, responsibilities and communication. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.620 Resident Care Policies

- a) The facility shall have written policies and procedures governing all services provided by the facility which shall be formulated with the involvement of the administrator. The policies shall be available to the staff, residents and the public. These written policies shall be followed in operating the facility and shall be reviewed at least annually. (B, ~~C~~)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.620 (continued)

- b) These policies shall include:

- 1) A written statement of the philosophy, objectives and goals the facility is striving to achieve. ~~(C)~~
 - 2) A written statement linking the facility's role to the "State Plan for the Developmentally Disabled," as prepared by and available from the Governor's Planning Council for Developmental Disabilities. ~~(C)~~
 - 3) A written statement of the facility's goals for its residents. ~~(C)~~
 - 4) A written statement of the facility's concept of its relationship to the parents of its residents or to the surrogates. ~~(C)~~
 - 5) A written statement concerning admission, transfer, and discharge of residents including categories of residents accepted and not accepted, residents that will be transferred or discharged, ~~etc.~~ and other policies of the facility. ~~(C)~~
 - 6) A written statement for resident care services including physician services, emergency services, personal care and nursing services, restorative services, activity services, pharmaceutical services, dietary services, social services, resident records, dental services, and diagnostic service (including laboratory and x-ray). (B, ~~C~~)
 - 7) All the information contained in the policies shall be available to consumer representatives, the public, staff, residents, and for review by Department personnel. ~~(C)~~
- c) The facility shall have a written agreement with one or more hospitals which indicates the hospital or hospitals will provide the following services: ~~(C)~~
- 1) Emergency admissions. ~~(C)~~
 - 2) Admission to a hospital of residents from the facility who are in need of hospital care. ~~(C)~~
 - 3) Needed diagnostic services. ~~(C)~~
 - 4) Any other hospital based services needed by the resident. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.620 (continued)

- ~~d) There shall be no post mortems performed in the facility. (C)~~
- ~~d) There shall be no blood transfusions performed in the facility. (B, C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.630 Admission and Discharge Policies

- a) Residents shall only be admitted who have had a comprehensive evaluation covering physical, emotional, social and cognitive factors, conducted by an appropriately constituted, interdisciplinary team. (B, C)
- b) No resident determined by professional evaluation to be in need of skilled level of nursing care shall be admitted to, or kept in, an Intermediate Care Facility, ~~and/or~~ or Intermediate Care Facility for the Developmentally Disabled, or any distinct part of the facility designated and classified for intermediate care for the developmentally disabled. (B, C)

- c) Each facility shall have a policy concerning the admission of persons needing prenatal ~~and/or~~ or maternity care, and a policy concerning the keeping of such persons who become pregnant while they are residents of the facility. If these policies permit such persons to be admitted to, or kept in the facility, then the facility shall have a policy concerning the provision of adequate and appropriate prenatal and maternity care to such individuals from in-house ~~and/or~~ or outside resources. (C)

- d) No resident shall be admitted to, or kept in, the facility who is dangerous to himself, or others. (B, C)

- e) A facility for infants and children under ~~eighteen~~ ~~(18)~~ years of age shall be used exclusively for children. ~~(C)~~ Persons under ~~eighteen~~ ~~(18)~~ years of age may not be cared for in a facility for adults without prior approval from the Department. Such approval will be granted only when it is the best possible placement for the person under the particular set of circumstances. (C)

- f) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident himself or, if incompetent, by the resident's guardian. (C)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.630 (continued)

- g) If a resident insists on and is discharged against the advice of a physician or a Qualified Mental Retardation Professional, the facts involved in the situation shall be fully documented in ~~his or her~~ the resident's clinical record. (C)
- h) No resident shall be discharged without the concurrence of the attending physician. All involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act. (C)
- i) No resident shall be admitted with a communicable, contagious or infectious disease as set forth in Section ~~3~~ 350.1220(j) through (k). (A, B, C)
- j) A facility shall not admit more residents than the number authorized by the license issued to it. (B, C)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.640 Contract Between Resident and Facility

a) Contract Execution

- 1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:
- THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR
 - THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE "PROBATE ACT OF 1975", AS NOW OR HEREFTER AMENDED; OR
 - A MEMBER OF THE PERSON'S IMMEDIATE FAMILY.
- 2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE "PROBATE ACT OF 1975", AS NOW OR HEREFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS.

Section 350.640(a) (continued)

- 3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON," BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDE FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN ~~10~~ TEN DAYS OF THE DISPOSITION OF THE PETITION.
- 4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE ~~"MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE"~~, AS AMENDED, OR SECTION 11a-14.1 OF THE ~~"PROBATE ACT OF 1975"~~, AS AMENDED. (Section 2-202(a) of the Act)
- 5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of the person, within ten ~~40~~ days of the effective date of these rules, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or a member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten ~~40~~ days of the disposition of such petition.
- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)." ~~(c)~~
- c) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act) ~~(c)~~
- d) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act) ~~(c)~~

Section 350.640 (continued)

- e) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee. ~~(c)~~
- f) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section ~~above~~. If any person other than the principal signatory is to be held individually responsible for payments due under the contract that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor." ~~(c)~~
- g) The contract shall include a definition of "responsible party" or "guarantor" which describes in full the liability incurred by any such person. ~~(c)~~
- h) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act) ~~(c)~~
- i) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act) ~~(c)~~
- j) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act) ~~(c)~~
- k) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act) ~~(c)~~
- l) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. A paragraph shall itemize the services and products to be provided by the facility and express the costs of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee. (Section 2-202(g)(2) of the Act) ~~(c)~~
- m) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)
- 1) A paragraph shall itemize all services and products offered by

Section 350.640(m)(1) (continued)

the facility or related institutions which are not covered by the rate or fee established ~~above~~ in subsection (1) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed then such additional cost shall be specified in the contract. ~~(c)~~

- 2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract. ~~(c)~~

- n) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENTS UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act) ~~(c)~~

- o) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions the deposit shall be returned to the resident. If the deposit is nonrefundable the contract shall provide express notice of such nonrefundability. (Section 2-202(g)(5) of the Act) ~~(c)~~

- p) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF A RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 OF THE ACT. (Section 2-202(g)(6) of the Act) ~~(c)~~

- q) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON

Section 350.640(q) (continued)

BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT. (Section 2-202(h) of the Act) ~~(c)~~

- r) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN ~~(7)~~ DAYS NOTICE. IT SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH ~~THIRTY (30)~~ DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S ~~HIS~~ LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S ~~HIS~~ LIFE. (Section 2-202(i) of the Act) ~~(c)~~

- s) After July 1, 1982, all facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the "Life Care Facilities Act," (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111 1/2, par. 4160-1 et seq.) as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts. ~~(c)~~

- t) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SIGNED OR RENEWED AFTER JULY 1, 1985, SHALL ALSO SPECIFY: ~~(c)~~

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;
- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;
- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 350.640(t)(4) (continued)

Section 350.650(c) (continued)

DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act) ~~(111-Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4152-202(j))~~

- u) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act) ~~(111-Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4152-202(k))~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.650 Residents' Advisory Council

- a) EACH FACILITY SHALL ESTABLISH A RESIDENT'S ADVISORY COUNCIL CONSISTING OF AT LEAST FIVE ~~(5)~~ RESIDENT MEMBERS. If there are not five residents capable of functioning on the residents' advisory Council, as determined by the Interdisciplinary Team, residents' representatives shall take the place of the required number of residents. THE ADMINISTRATOR SHALL DESIGNATE ANOTHER ~~A~~ MEMBER OF THE FACILITY STAFF (other than ~~himself/herself~~ the administrator) TO COORDINATE THE ESTABLISHMENT OF, AND RENDER ASSISTANCE TO, THE COUNCIL. (Section 2-203 of the Act) ~~(G)~~

- b) Each facility shall develop and implement a plan for assuring a liaison with concerned individuals and groups in the local community. Ways in which this requirement can be met include, but are not limited to, the following:

- 1) ~~(1)~~ the inclusion of community members such as volunteers, family members, residents' friends, residents' advocates, or community representatives ~~etc.~~ on the resident advisory council;
 - 2) ~~(2)~~ the establishment of a separate community advisory group with persons of the residents' choosing;
 - 3) ~~(3)~~ finding a church or civic group to "adopt" the facility; or,
 - 4) ~~(4)~~ the establishment of a family council made up of families and friends of residents who live in the community. ~~(G)~~
- c) The resident members shall be elected to the council by vote of their

fellow residents and the non-resident members shall be elected to the council by vote of the resident members of the council. ~~(G)~~

- d) In facilities of ~~fifty~~ 50 beds or less, the residents' advisory council may consist of all of the residents of the facility, if the residents choose to operate this way.

- e) All resident advisory councils shall elect at least a Chairperson ~~or President and a Vice Chairperson~~ ~~or Vice President~~ from among the members of the council. These persons shall preside at the meetings of the council, assisted by the facility staff person designated by the administrator to provide such assistance. ~~(G)~~

- f) Some facilities may wish to establish mini-resident advisory councils for various smaller units within the facility. If this is done, each such unit shall be represented on an overall facility residents' advisory council with the composition described in subsection (a) of this Section. ~~42-05-01-00.~~

- g) All residents' advisory council meetings shall be open to participation by all residents ~~and/or~~ and by their representatives. ~~(G)~~

- h) NO EMPLOYEE OR AFFILIATE OF ANY FACILITY SHALL BE A MEMBER OF ANY COUNCIL. Such persons may attend to discuss interests or functions of the non-members when invited by a majority of the officers of the residents' advisory council. (Section 2-203(a) of the Act) ~~(G)~~

- i) THE COUNCIL SHALL MEET AT LEAST ONCE EACH MONTH WITH THE STAFF COORDINATOR WHO SHALL PROVIDE ASSISTANCE TO THE COUNCIL IN PREPARING AND DISSEMINATING A REPORT OF EACH MEETING TO ALL RESIDENTS, THE ADMINISTRATOR, AND THE STAFF. (Section 2-203(b) of the Act)

- j) RECORDS OF THE COUNCIL MEETINGS SHALL ~~will~~ BE MAINTAINED IN THE OFFICE OF THE ADMINISTRATOR. (Section 2-203(c) of the Act) ~~(G)~~

- k) THE RESIDENTS' ADVISORY COUNCIL MAY COMMUNICATE TO THE ADMINISTRATOR THE OPINIONS AND CONCERNS OF THE RESIDENTS. THE COUNCIL SHALL REVIEW PROCEDURES FOR IMPLEMENTING RESIDENT RIGHTS AND FACILITY RESPONSIBILITIES AND MAKE RECOMMENDATIONS FOR CHANGES OR ADDITIONS WHICH WILL STRENGTHEN ~~AND MAKE RECOMMENDATIONS FOR CHANGES OR~~ ~~ADDITIONS WHICH WILL STRENGTHEN~~ THE FACILITY'S POLICIES AND PROCEDURES AS THEY EFFECT RESIDENTS' RIGHTS AND FACILITY RESPONSIBILITIES. (Section 2-203(d) of the Act)

Section 350.650 (continued)

1) THE COUNCIL SHALL BE A FORUM FOR:

- 1) OBTAINING AND DISSEMINATING INFORMATION;
- 2) SOLICITING AND ADOPTING RECOMMENDATIONS FOR FACILITY PROGRAMMING AND IMPROVEMENTS;
- 3) EARLY IDENTIFICATION OF PROBLEMS.
- 4) RECOMMENDING ORDERLY RESOLUTION OF PROBLEMS. (Section 2-203(e) of the Act)

m) THE COUNCIL MAY PRESENT COMPLAINTS ON BEHALF OF A RESIDENT TO THE DEPARTMENT, OR TO ANY OTHER PERSON IT CONSIDERS APPROPRIATE. (Section 2-203(f) of the Act)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.660 General Policies

- a) The facility shall have policies and procedures, established in writing, that protect the financial interests of residents and when large sums of money accrue to a resident, provide for counseling the resident concerning its use, and for appropriate protection of such money. These policies and procedures shall permit normalized and normalizing possession and use of money by residents for work payment and property administration as, for example, in performing cash and check transactions, and in buying clothes and other items. ~~(C)~~
- b) The facility shall allow daily visiting between 10 A.M. and 8 P.M. ~~(C)~~
- c) Residents occupying any bedroom shall be of the same sex except in the case of a room occupied by husband and wife. ~~(C)~~
- d) There shall be no resident traffic through a resident's room by residents to reach any other area of the building. ~~(C)~~
- e) The facility shall provide for the registration and disposition of complaints without threat of discharge or other reprisal against any employee or resident. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.670 Personnel Policies

- a) Each facility shall develop and maintain ~~There shall be~~ written personnel policies which ~~policies~~ are followed in the operation of the facility. ~~that shall include, but are not limited to, the following:~~ These policies shall include at a minimum each of the requirements of this Section. ~~(C)~~
- b) Employee Records
 - 1) Employment application forms shall be completed for each employee and kept on file in the facility. They shall be available to Department personnel for review.
 - 2) Individual personnel files for each employee ~~These forms~~ shall contain date of employment, date of birth ~~age or~~ ~~birthdate~~, home address, educational background, past experience including types of employment, where previously employed, type of position employed to fill in this facility, last day employed (if no longer in present facility) and reasons for leaving. ~~(C)~~

3) ~~2)~~

~~Individual~~ ~~In addition to the application form, the individual~~ personnel files for each employee shall also contain ~~other pertinent personnel data such as~~ health records, including the initial health evaluation required under Section 350.675(a), the results of the tuberculin skin test required under Section 350.675(e), and any other pertinent health records.

- 4) Individual personnel records for each employee shall also contain records of evaluation of performance. ~~(C)~~

~~3) A) Each employee shall have a physical examination which has been conducted within a period of ten (10) days before or after employment and annually thereafter. This shall include findings that permit certification that the employee is free of communicable, contagious or infectious diseases. Additional physical examinations may be requested at the discretion of the Department according to the Rules for the "Control of Communicable Diseases" (77 Ill. Adm. Code 600), Illinois Department of Public Health.~~

~~B) This initial physical exam shall include documentation regarding past or present tuberculous infection, determined by either a tuberculous skin test, or a chest x-ray taken within one (1) year prior to or ten (10) days~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.670(b) (continued)

- ~~after initial employment.~~
- ~~C) Repeat skin tests and/or chest x-rays are not required unless the employee is exposed to a person with tuberculosis in its contagious stage or has signs and symptoms of disease. However, they are highly recommended, especially for persons residing or working in high risk areas of the State.~~
- ~~D) It is also recommended that employees who have been infected with tuberculosis (positive skin reaction) and have not had a full course of chemoprophylaxis or chemotherapy should complete one (1) year of daily INH unless contraindicated because of age or physical condition. Depending on their risk of developing disease, as determined by their physician, employees who have been infected and have not been able to complete a full course of preventive treatment should have a chest x-ray annually. (B, C)~~
- ~~4) An employee diagnosed or suspected of having a contagious or infectious disease shall not be on duty until such time as a written statement is obtained from a physician that the disease is no longer contagious or is found to be noninfectious. (B, C)~~

~~b) General~~~~1)~~

- ~~c) All personnel shall have either training or experience, or both, in the job assigned to them. (B, C)~~

~~d) Orientation and In-Service Training~~

- ~~1) 2) All new employees, including student interns, shall complete an orientation program covering, at a minimum, the following: general facility and resident orientation; job orientation, emphasizing allowable duties of the new employee; resident safety, including fire and disaster, emergency care and basic resident safety; and, understanding and communicating with the type of residents being cared for in the facility, such as geriatric, pediatric, or developmentally disabled, etc. In addition, all new direct care staff, including student interns, shall complete an orientation program covering the facility's~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.670(d)(1) (continued)

- ~~policies and procedures for resident care services concerning topics listed in Section 350.620(b)(6) before being assigned to provide direct care to residents. This orientation program shall include material regarding the prevention and treatment of decubitus ulcers and the importance of nutrition in general health care.~~
- ~~2) 3) All employees, each employee except student interns, shall attend in-service training programs covering each of the subjects listed in 42-02-02-06 pertaining to his or her their assigned duties at least annually. These in-service training programs shall include material regarding the facility's policies, skill training and ongoing education carried out to enable all personnel to perform their duties effectively. The in-service training sessions regarding personal care, nursing and restorative services shall include material concerning prevention and treatment of decubitus ulcers (commonly known as bed sores). In-service training concerning dietary services shall include material concerning effects of diet in treatment of various diseases or medical conditions and the importance of laboratory test results in determining therapeutic diets. Written records of program content for each session and of personnel attending each session shall be kept. (B, C)~~

- ~~e) 4) Employees shall only be assigned duties which are directly related to their job functions, as identified in their job descriptions. Exceptions may be made in emergencies. No employee shall be assigned duties other than those directly related to his job functions, as identified in his job description, except in emergencies. (C)~~

- ~~f) 5) Personnel policies shall include there shall be a plan to provide a program of personnel coverage for regular staff when they are absent. (A, B)~~

- ~~g) 6) Every facility shall have a current dated weekly employee time schedule posted in a convenient place where employees may refer to it. This schedule shall contain employee's name, job title, shift assignment, hours of work and days off. The schedule these shall be kept on file in the facility for one 4 year after the week for which the schedule was used. (C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.675 Initial Health Evaluation for Employees

- a) Each employee shall have an initial health evaluation which shall be used to insure that employees are not placed in positions which would pose undue risk of infection to themselves, other employees, residents, or visitors.
- b) The initial health evaluation shall be conducted not more than 30 days prior to the employee beginning employment in the facility. The evaluation shall be completed not more than 30 days after the employee begins employment in the facility.
- c) The initial health evaluation shall include a health inventory. This inventory shall be obtained from the employee and shall include the employee's immunization status and any available history of conditions which would predispose the employee to acquiring or transmitting infectious diseases. This inventory shall include any history of exposure to, or treatment for, tuberculosis. The inventory shall also include any history of hepatitis, dermatologic conditions, or chronic draining infections or open wounds.
- d) The initial health evaluation shall include a physical examination. The examination shall include at a minimum any procedures needed in order to:
- 1) Detect any unusual susceptibility to infection and any conditions which would increase the likelihood of the transmission of disease to residents, other employees, or visitors.
 - 2) Determine that the employee appears to be physically able to perform the job function which the facility intends to assign to the employee.
- e) The initial health evaluation shall include a tuberculin skin test which is conducted in accordance with the requirements of Section 350.1225. The test must meet one of the following timeframes:
- 1) The test must be completed no more than 90 days prior to the date of initial employment in the facility, or
 - 2) The test must be commenced no more than ten days after the date of initial employment in the facility.

(Source: Added at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.690 Disaster Preparedness

- a) Each facility shall have policies covering disaster preparedness including a written plan for staff and residents to follow in case of fire, explosion, severe weather, or other hazardous circumstances and emergencies. The plan shall be rehearsed at least twice a year for each shift. The plan shall include, but is not limited to, the following: (B-~~G~~)
- 1) All personnel employed on the premises shall be properly instructed in the use of fire extinguishers. (B-~~G~~)
 - 2) A written plan of evacuation shall be posted, and made familiar to all personnel employed on the premises. ~~(G)~~
 - 3) Each facility must conduct at least four ~~(4)~~ fire drills annually on each shift for a total of ~~(12)~~ drills. At least one ~~(4)~~ of these drills on each shift must include actual evacuation of residents to safe areas. The local fire authorities should be requested to assist periodically in these drills. ~~(G)~~
- b) Reporting of Emergencies
- 1) Upon the occurrence of any emergency or disaster requiring hospital service, police, fire department or coroner, the facility administrator or their designee must provide a preliminary report to the Department utilizing either the nursing home hotline or by contacting directly the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:
 - A) Name and location of facility;
 - B) type of emergency;
 - C) number of injuries or deaths to residents;
 - D) number of beds not usable due to the event;
 - E) estimate of the extent of damages to the facility;
 - F) type of assistance needed, if any;
 - G) other state or local agencies notified about the problem.
 - 2) If the emergency will not require direct Departmental assistance, the facility shall provide the preliminary report

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.690(b)(2) (continued)

within 24 hours of the incident. Additionally, the Department shall receive a full written account within seven ~~(7)~~ days of the incident which includes the information specified in subsections (b)(1)(A) through (b)(1)(G) of this Section ~~above~~ and a statement of action taken by the facility after the preliminary report. ~~(G)~~

- c) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents whenever the temperature and relative humidity inside the residents living, dining, activities or sleeping areas of the facility are equal to or exceed the upper or lower limit lines (the solid lines) of the chart, 'Zones of Physiological Perception, displayed in Table F: Disaster Preparedness Parameters -- Relative Humidity and Temperature. (A, B, ~~C~~)'

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.700 Serious Incidents and Accidents

- a) The facility shall notify the Department of any incident or accident which has, or is likely to have, a significant effect on the health, safety, or welfare of a resident or residents. Incidents and accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department. ~~(G)~~

- 1) Notification shall be made by a phone call to the Regional Office within ~~twenty-four (24)~~ hours of each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number. ~~(G)~~

- 2) A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven ~~(7)~~ days of the occurrence. ~~(G)~~

- b) A descriptive summary of each incident or accident shall be recorded in the progress notes or nurses' notes for each resident involved. ~~(G)~~

- c) The facility shall maintain a file of all written reports of serious incidents or accidents involving residents. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

SUBPART D: PERSONNEL

Section 350.810 Personnel

- a) Sufficient staff in numbers and qualifications shall be on duty all hours of each day to provide services that meet the total needs of the residents. At a minimum, there shall be at least one ~~(1)~~ staff member awake dressed and on duty at all times ~~each of the three (3) eight (8) hour shifts each day~~. (A, B, ~~C~~)
- b) Regardless of the organization or design of resident living units, the minimum direct care staff to resident ratios are as follows:
- 1) For units ~~including~~ which include any of the following types of residents, the staff to resident ratio shall be two and one-half hours of care per day per resident:

A) ~~(a)~~ children under the age of six ~~(6)~~ years,

B) ~~(b)~~ severely and profoundly retarded,

C) ~~(c)~~ severely physically handicapped, and

D) ~~(d)~~ residents who are aggressive, assaultive, or security risks, or ~~(e)~~ who manifest severely hyperactive or psychotic like behavior ~~the staff/resident ratio shall be 2.5 hours of care per day per resident~~.

- 2) For units serving moderately retarded residents requiring habit training, the ratio shall be ~~2.0~~ two hours of care per day per resident.

- 3) For units serving residents in vocational training programs and adults who work in sheltered employment situations the staff to resident ratio shall be one ~~(1)~~ hour of care per resident per day.

- 4) Direct care staff includes licensed nurses, auxiliary personnel, qualified mental retardation professionals, and habilitation aides. The health services supervisor is not included in determining the ratio.

- c) The number and categories of personnel to be provided shall be based on the following:

- 1) Number of residents.

- 2) Amount and kind of program content, supervision, and personal

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.810(c)(2) (continued)

care needed to meet the particular needs of the residents at all times.

- 3) Size, physical condition, and the layout of the building including proximity of service areas to the resident's rooms.
- 4) Medical orders
- d) The facility shall provide an administrator as set forth in Subpart D. (B)
- e) The facility shall provide a Resident Services Director who is a Qualified Mental Retardation Professional as defined in ~~40~~, Section 350.330, who is assigned responsibility for the coordination and monitoring of the residents overall plan of care. The administrator or an individual on the professional staff of the facility may fill this assignment to assure that residents' plans of care are individualized, written in terms of short and long range goals, understandable and utilized; their needs are met through appropriate staff interventions and community resources; and residents are involved, whenever possible, in the preparation of their plan of care. (B-~~6~~)

- f) The facility shall provide activity personnel as set forth in Section 350.1050(c). (B-~~6~~)

- g) The facility shall provide dietary personnel as set forth in Sections 350.1810 and ~~through~~ 350.1820. (B-~~6~~)

- h) The facility shall designate a staff member suited by training, or ~~and/or~~ experience, or both, to be responsible for social services and for the integration of social services with other elements of the plan of care. (B-~~6~~)

- i) The facility shall provide nursing personnel as set forth in Subpart ~~Fahnenstett~~ F. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.820 Consultation Services

- a) The facility shall have all arrangements for each consultant's services in a written agreement setting forth the services to be provided. These agreements shall be updated annually. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.820 (continued)

- b) The facility shall designate a staff member to provide social services to residents.

- 1) If the staff member designated to provide social services is not a qualified social worker, the facility shall have an effective arrangement with a qualified social worker to provide social services consultation. ~~(C)~~

- 2) ~~1)~~ A qualified social worker is one who meets the definition in Section 350.330. ~~(C)~~

~~A) is licensed by the State of Illinois (registered or certified by the Illinois Department of Registration and Education); and~~

~~B) is a graduate of a school of social work which has been approved by the Council on Social Work Education (Some schools are approved for Bachelors Degree programs and others for Masters Degree); and~~

~~C) has one (1) year of social work experience in a health care setting.~~

- c) The facility shall designate a staff member to be the director of the activities program. If this person is not a Registered Occupational Therapist, a Therapeutic Recreation Specialist, or a Qualified Social Worker, the facility shall have a written agreement made with a person from one of those disciplines, to provide consultation to the Activity Director and shall assure the programming meets the needs of the residents. ~~(C)~~

- d) If the supervisor of health services is not a nurse currently registered to practice as a registered professional nurse in Illinois, arrangements shall be made for consultation from a person so qualified. The consultant shall assist with the development of policies, methods, and procedures relating to the medical program and in-service training for all aspects of personal and nursing care. The consultant shall give this consultation in the facility not less than four ~~(4)~~ hours each week. ~~(C)~~

- e) The facility shall make arrangements for a consultant pharmacist as set forth in Section 350.410(a) and (c). ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.830 Personnel Policies

The personnel policies required in Section 350.670 and other personnel policies adopted by the facility shall be followed in the operation of the facility. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART E: RESIDENT LIVING SERVICES

Section 350.1010 Service Programs

The facility shall provide, either directly or through arrangements with an outside resource, as needed by the individual resident, all resident living services, training and guidance necessary in the activities of daily living and in the development of self-help skills for maximum independence. These services shall consist of at a minimum the following: ~~(B)(6)~~

- a) Psychological Services (as defined in Section 350.1020) ~~(B)(6)~~
- b) Social Services (as defined in Section 350.1030) ~~(B)(6)~~
- c) Speech Pathology and Audiology Services (as defined in Section 350.1040) ~~(B)(6)~~
- d) Organized Recreational Activities Services (as defined in Section 350.1050) ~~(B)(6)~~
- e) Training and Habilitation Services (as defined in Section 350.1060) ~~(B)(6)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1020 Psychological Services

- a) Psychological services shall be provided to residents, directly through contact with psychologists and indirectly through the psychologists' consultation with other persons involved in psychological testing of ~~and/or~~ or behavior modification of residents. ~~(B)(6)~~
- b) Psychologists shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents for the purpose of initiating and monitoring individual habilitation programs. ~~(C)~~
- c) The psychologist shall report and disseminate the evaluation results

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1020(c) (continued)

in such a manner that the information, useful to the staff working with the resident, will be promptly provided and that confidentiality will be maintained. ~~(C)~~

- d) Psychologists shall participate, when appropriate, in the development of written, detailed, specific and individualized habilitation program plans, that provide for periodic review, follow-up and updating and that are designed to maximize each resident's development and acquisition of: ~~(C)~~
 - 1) Perceptual skills ~~(C)~~
 - 2) Sensorimotor skills ~~(C)~~
 - 3) Self-help skills ~~(C)~~
 - 4) Communication skills ~~(C)~~
 - 5) Social skills ~~(C)~~
 - 6) Self direction ~~(C)~~
 - 7) Emotional stability ~~(C)~~
 - 8) Effective use of time (including leisure time) ~~(C)~~

- e) The facility shall employ sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the various psychological service activities in accordance with the needs of the following functions: ~~(B)(6)~~
 - 1) Psychological services to residents including evaluation, consultation, therapy, and program development ~~(C)~~
 - 2) Administration and supervision of psychological services ~~(C)~~
 - 3) Staff training ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1030 Social Services

- a) Social services, as part of an interdisciplinary spectrum of services, shall be provided to the residents through the use of social work methods directed toward: ~~(B)(6)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1030(a) (continued)

- 1) Maximizing the social functioning of each resident. ~~(C)~~
- 2) Enhancing the coping capacity of the resident or his family. ~~(C)~~
- 3) Asserting and safeguarding the human and civil rights of the developmentally disabled and their families, and fostering the human dignity and personal worth of each resident. ~~(C)~~
- b) The resident and his family shall be helped by social workers during the evaluation process, which may or may not lead to admission, to consider alternative services, based on the developmentally disabled person's status and salient family and community factors, and to make a responsible choice as to whether and when residential placement is indicated. ~~(C)~~
- c) Social workers shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents for the purposes of initiation, monitoring, and follow-up of individualized habilitation programs. ~~(C)~~
- d) As appropriate during the developmentally disabled person's admission to and while receiving services in the facility, the social worker shall provide liaison between him, the facility, the family, and the community, so as to help the staff to: ~~(C)~~
 - 1) Individualize and understand the needs of the resident and his family in relation to each other. ~~(C)~~
 - 2) Understand social factors, including staff/resident relationships, in the resident's day-to-day behavior. ~~(C)~~
 - 3) Prepare the resident for changes in his living situation. ~~(C)~~
- e) Social workers shall help the family to develop constructive and personally meaningful ways to support the resident's experience in the facility through: ~~(C)~~
 - 1) Collateral counseling concerned with problems associated with changes in family structure and functioning. ~~(C)~~
 - 2) Referral to specific services, as appropriate. ~~(C)~~
 - 3) Help the family to participate in planning for the resident's return to home or other community placement. ~~(C)~~

Section 350.1030 (continued)

- f) The facility shall employ sufficient, appropriately qualified staff, and necessary supporting personnel to carry out the various social service activities to meet the program needs of the residents. ~~(B-)~~
- 1) Social worker services to the residents shall be provided or supervised by a qualified social worker who meets the definition in Section 350.330. ~~(B-)~~
- 2) Social work assistants or aides employed by the facility shall work under the supervision of a qualified social worker who meets the definition in Section 350.330 ~~having the qualifications specified in Section 350.1030(f)(1).~~ ~~(B-)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1040 Speech Pathology and Audiology Services

- a) Speech pathology and audiology services shall be provided to meet the needs of the residents through the following: ~~(B-)~~
 - 1) Direct contact between speech pathologists, audiologists and residents. ~~(C)~~
 - 2) Working with other personnel, such as teachers and direct care staff, in implementing communication improvement programs. ~~(C)~~
- b) Speech pathology and audiology services available to the facility shall include the following:
 - 1) Screening and evaluation of residents with respect to speech and hearing functions. ~~(C)~~
 - 2) Comprehensive audiological assessment of residents, as indicated by screening results, to include tests of puretone air and bone conduction, speech audiometry, and other procedures, as necessary, and to include assessment of the use of visual cues. ~~(C)~~
 - 3) Assessment of the use of amplification. ~~(C)~~
 - 4) Provision for procurement, maintenance, and replacement of hearing aids, as specified by a qualified audiologist. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1040(b) (continued)

- 5) Comprehensive speech and language evaluation of residents, as indicated by screening results, which include appraisal of articulation, voice, rhythm and language. ~~(C)~~
- 6) Participation in the continuing interdisciplinary evaluation of individual residents for purposes of initiation, monitoring, and follow-up of individualized habilitation programs. ~~(C)~~
- 7) Treatment services interpreted as an extension of the evaluation process that include: ~~(C)~~
 - A) Direct counseling with residents. ~~(C)~~
 - B) Consultation with appropriate staff for speech improvement and speech education activities. ~~(C)~~
 - C) Collaboration with appropriate staff to develop specialized programs for developing the communication skills of individuals in comprehension (for example, speech, reading, auditory training, and hearing aid utilization) as well as expression (for example, improvement in articulation, voice, rhythm, and language). ~~(C)~~
- 8) Participation in inservice programs for direct care and other staff. ~~(C)~~
- 9) Report evaluation and assessment results accurately and systematically, and in such manner as to, where appropriate, provide information useful to other staff working directly with the resident and to provide evaluative and summary reports for inclusion in the resident's unit record. ~~(C)~~
- 10) Continuing observations of treatment progress shall be recorded accurately, summarized, communicated and utilized in evaluating progress. ~~(C)~~
- c) There shall be provided sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the various speech pathology and audiology services, in accordance with stated goals and objectives. ~~(B, C)~~
- d) Staff who assume independent responsibilities for clinical services shall meet the requirements as defined in Section 350.330. ~~(B, C)~~
- e) Adequate, direct and continuing supervision shall be provided personnel, volunteers, or supportive personnel utilized in providing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1040(e) (continued)

- clinical services. ~~(C)~~
 - f) Space, facilities, equipment, and supplies shall be adequate for providing efficient and effective speech pathology and audiology services. ~~(C)~~
- (Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)
- Section 350.1050 Recreational and Activities Services
- a) Recreational and activity services shall be coordinated with other services and programs provided the residents, in order to make fullest possible use of the facility's resources and to maximize benefits to the residents. ~~(C)~~
 - b) There shall be a specific planned program of group and individual activities designed to encourage restoration to self-care and maintenance of normal activity which is geared to the individual resident's needs. Activities shall be available daily and for a reasonable amount of time. Residents shall be given an opportunity to contribute to planning, preparation, conducting, cleanup, and critique of the program. ~~(B, C)~~
 - c) There shall be a trained staff person responsible for planning and directing the activities program. This person shall be on duty for a sufficient amount of time to provide a program that meets the residents' needs and interests. Additional activity personnel shall be provided as necessary to meet the needs of the residents and the program. ~~(B, C)~~
 - d) There shall be written permission, with any contraindications stated, given by the resident's physician for the resident to participate in the activity program. Standing orders will be acceptable with individual contraindications noted. ~~(B, C)~~
 - e) The recreation activity program shall include, but is not limited to, the following program areas:
 - 1) Recreational activities (examples: games, both quiet and active; parties; and outside entertainment ~~etc.~~). ~~(C)~~
 - 2) Arts and crafts (applicable for both men and women). ~~(C)~~
 - 3) Religious activities (examples: Bible study or discussion; Bible quizzes and games; hymn singing; and grace at meals ~~etc.~~). ~~(C)~~

Section 350.1050(e) (continued)

These are in addition to routine religious services. ~~(C)~~

- 4) Service activities for community ~~and/or~~ and facility (examples: assist with community fund drives; projects for orphanages; care of one's own area in the facility; and helping to fold linen ~~etc.~~). ~~(C)~~
- 5) Intellectual and educational activities (examples: classes in writing, arithmetic, grooming, and social graces; planned group discussion; quizzes and word games; resident council; and newsletter ~~etc.~~). ~~(C)~~
- 6) Community activities (examples: residents' participation in community activities such as plays; church events; band concerts; and tours ~~etc.~~). ~~(C)~~
- f) ~~7)~~ A planned volunteer ~~and/or~~ or auxiliary program that assists with the activities program shall be encouraged. It shall be under the direction of a staff member in a supervisory capacity. ~~(C)~~
- g) ~~f)~~ Equipment and supplies in sufficient quantity and variety shall be provided to carry out the stated objectives of the activities programs. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1060 Training and Habilitation Services

- a) The facility shall provide training and habilitation services to facilitate the intellectual, sensorimotor, and effective development of each resident in the facility. ~~(B)(C)~~
- b) Each resident shall have individual evaluations which shall:
 - 1) Be based upon the use of empirically reliable and valid instruments whenever such tools are available. ~~(C)~~
 - 2) Provide the basis for prescribing an appropriate program of training experiences for the resident. ~~(C)~~
- c) There shall be written training and habilitation objectives for each resident that are: ~~(C)~~
 - 1) Based upon complete and relevant diagnostic and prognostic data. ~~(C)~~

Section 350.1060(c) (continued)

- 2) Stated in specific behavioral terms that permit the progress of the individual to be assessed. ~~(C)~~
- d) There shall be evidence of training and habilitation services activities designed to meet the training and habilitation objectives set for every resident. ~~(B)(C)~~
- e) There shall be a functional training and habilitation record for each resident, maintained by and available to the training and habilitation staff. ~~(C)~~
- f) Appropriate training and habilitation program shall be provided residents with hearing, vision, perceptual, or motor impairments, in cooperation with appropriate staff. ~~(C)~~
- g) There shall be available sufficient, appropriately qualified training and habilitation personnel, and necessary supporting staff, to carry out the training and habilitation program. Supervision of delivery of training and habilitation services shall be the responsibility of a person who is a Qualified Mental Retardation Professional. ~~(B)(C)~~
- h) Where appropriate, providers should cooperate with the Department of Mental Health and Developmental Disabilities and community agencies in assisting individual residents to avail themselves of specialized work activity programs, prevocational and work adjustment training, ~~and/or~~ or sheltered workshop programs. ~~(C)~~
- i) Appropriate records shall be maintained for each resident functioning in these programs. These shall show appropriateness of the program for the individual, resident's response to the program and any other pertinent observations and shall become a part of the resident's record. ~~(C)~~

- j) Residents shall not be used to replace employed staff. ~~(B)(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1070 Training and Habilitation Staff

Appropriately qualified staff shall be provided in sufficient numbers to meet the training and habilitation needs of the residents. At a minimum, staffing shall be provided as described in Section 350.810(b) of this Part.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: HEALTH SERVICES

Section 350.1210 Health Services

The facility shall provide all services necessary to maintain each resident in good physical health. These services include, but are not limited to, the following: (A, B, ~~C~~)

- a) Physician services including a complete physical examination at least annually and formal arrangements to provide for medical emergencies on a ~~twenty-four~~ (24) hour, seven (7) day-a-week basis. (B, ~~C~~)
- b) Nursing services to provide immediate supervision of the health needs of each resident by a registered professional nurse or a licensed practical nurse, or the equivalent. (B, ~~C~~)
- c) Dental services to provide evaluation, diagnosis, treatment and annual review, including care for dental emergencies, administered by or under the supervision of a dentist licensed in the State to practice dentistry or dental surgery. (B, ~~C~~)
- d) Physical and occupational therapy services for purposes of initiating, monitoring and follow-up of individualized treatment programs rendered by or under the supervision of a physician with special training or experience in the specialty or a physical therapist or an occupational therapist. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1220 Physician Services

- a) The facility shall have a written program of medical services that reflects the philosophy of care provided, the policies relating to this, and the procedures for implementation of the services. The program shall include the health services provided by the facility and the arrangements to effect a transfer to other facilities as promptly as needed. The written program of medical services shall be followed in the operation of the facility. (B, ~~C~~)
- b) There shall be a formal arrangement for qualified medical care for the facility, including care for medical emergencies on a ~~twenty-four~~ (24) hour, seven (7) day-a-week basis. The facility shall have an advisory physician, fully licensed to practice medicine in Illinois to provide advice on general health conditions and practices of the facility. (B, ~~C~~)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1220 (continued)

- c) The services of a physician licensed to practice medicine in Illinois shall be available to every resident in the facility. Residents in facilities operated under bonafide Christian Science auspices may be exempt from this requirement. (A, B)
- d) The resident or his guardian shall be permitted his choice of physicians.
- e) All residents ~~Each resident~~ shall be seen by ~~his/her~~ their physician as often as necessary to assure adequate health care (Medicare-Medicaid requires certification visits). (A, B, ~~C~~)
- f) Physicians shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and follow-up of individualized habilitation programs for treatment. ~~(C)~~
- g) The statement of treatment goals and management plans shall be reviewed and updated at least semiannually to insure continuing appropriateness of the goals, consistency of management methods with the goals, and the achievement of progress toward the goals. ~~(C)~~
- h) The facility maintains effective arrangements through which medical and remedial services required by the resident but not regularly provided within the facility can be obtained promptly when needed. (B, ~~C~~)
- i) The administrator shall assume the responsibility for meeting the Department's rules entitled ~~all the~~ "Control of Communicable Diseases Code" (77 Ill. Adm. Code ~~Rev. Stat.~~ 690), ~~Illinois Department of Public Health~~, so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases. (B)
- j) No resident with a communicable, contagious, or infectious disease shall be admitted knowingly. An exception shall be a resident whose only such infectious condition is one or more chronic decubital ulcers, from which laboratory tests have proven the presence of a pathogenic organism. Such a resident may be admitted when the facility is capable of implementing appropriate treatment and isolation techniques, to avoid secondary spread of infection. Additional exceptions may be requested on an individual case basis. Permission to admit or keep a resident with any other communicable, contagious, or infectious disease shall require the written approval of both the Department. Such approval will be dependent upon the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1220(j) (continued)

nature of the infectious condition or disease and the capability of the facility to provide proper care to the resident and to adequately safeguard the staff and other residents of the facility from secondary spread of infection. Any resident when suspected or diagnosed as having any communicable, contagious, or infectious disease, shall be placed in the appropriate type of isolation as required by the Department's rules entitled "Rules for the Control of Communicable Diseases Code" (77 Ill. Adm. Code 690). ~~Illinois Department of Public Health, and Isolation Techniques for Use in Hospitals, U.S. Public Health Service, for the period of time required for each specific disease or until removed from the facility. (A, B, C)~~

k) All illnesses required to be reported under subsection (l) of this Section ~~350.1220(k)~~, shall be reported immediately to the local health department ~~and/or~~ and to ~~this~~ the Department. The administrator shall furnish all pertinent information relating to such occurrences. (B, C)

l) Each resident admitted shall have a complete physical examination, within five ~~(5)~~ days prior to admission, or within ~~seventy-two (72)~~ hours after admission to the facility. This examination report shall include an evaluation of the resident's condition including height and weight, diagnosis, plan of treatment and recommendations, treatment orders, personal care needs, and permission for participation in the activity program as determined appropriate by the attending physician. The report shall include documentation of the presence or absence of tuberculosis infection by tuberculin skin test in accordance with Section 350.1225 ~~or chest examination~~. ~~The report shall also include documentation of the presence or absence of incipient or manifest decubitus ulcers (commonly known as bed sores) with grade, size and location specified, and orders for treatment if present. (A photograph of incipient or manifest decubitus ulcers is recommended on admission.)~~ The report shall also include orders from the physician regarding weighing of the resident, and the frequency of such weighing, if ordered. ~~(C)~~

m) The facility shall notify the resident's physician of any accident, injury, or change in a resident's condition that threatens the health, safety or welfare of a resident, including, but not limited to, the presence of incipient or manifest decubitus ulcers or a weight loss or gain of five ~~(5)~~ percent or more within a period of ~~thirty (30)~~ days. (B, C)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1220 (continued)

- n) At the time of an accident, immediate first aid treatment shall be provided by personnel trained in medically approved first aid procedures. (B, C)
- o) The admission information for a resident shall include diagnoses, summary of present medical findings, medical history, mental and physical functioning capacity, prognoses and an explicit recommendation by the physician with respect to admission to or continued care in the facility; it shall also include orders for medications, treatments, restorative services, diet, specific procedures recorded for the health and safety of the resident activities and plans for continuing care and discharge. If this information is not received with the resident at the time of admission, it must be received within ~~forty-eight (48)~~ hours. ~~(C)~~
- p) If a resident becomes unmanageable, he shall be examined by a physician ~~and/or~~ or a psychiatrist. This medical examination shall be made promptly. A psychologist ~~and/or~~ and members of other appropriate professional disciplines should be consulted. (B, C)
- q) No resident shall be discharged without the concurrence of the attending physician. All involuntary discharges and transfers shall be in accordance with Sections 3-401 to 3-423 of the Act. ~~(C)~~
- r) No form of seclusion shall be permitted, even if the resident desires it. ~~(C)~~
- s) Restraints shall be used only in an emergency to protect the resident from harming himself or harming other residents, visitors, or staff. If it is necessary to use restraints for this purpose, the attending physician shall be contacted immediately for his orders for this emergency. In the event the attending physician is not immediately available, the facility's advisory physician shall be contacted for such orders. This emergency use of restraints shall be used only temporarily. In a single emergency, restraints shall not be used for a period of more than four ~~(4)~~ hours. If a restraint is used for more than two ~~(2)~~ hours, it must be released for a few minutes at least once every two ~~(2)~~ hours, or more often if necessary. There must be constant observation of the resident while a restraint is being used. No restraints with locking devices may be used. (B)
- t) The reason for ordering and using restraints shall be recorded in the clinical record. There shall be written policies, which are followed

Section 350.1220(t) (continued)

in the operation of the facility, covering the use of restraints.
~~(c)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1225 Tuberculin Skin Test Procedures

Tuberculin skin test for employees and residents shall be conducted in accordance with the requirements in this Section.

- a) Where there is documentation for an employee or resident of previous significant skin test reaction and previous treatment for tuberculosis, no skin test is required. The facility shall retain such documentation of testing and treatment in the employee's personnel record or the resident's medical record.
- b) The tuberculin skin test shall consist of five tuberculin units of purified protein derivative administered intradermally using the Mantoux method.
- c) A significant reaction shall be considered to exist when either of the following conditions are present:
 - 1) There is an area of induration of ten mm or more in diameter.
 - 2) There is an area of induration of five mm or more in diameter and the attending physician or local health authority suspect tuberculosis on the basis of disease or exposure.
- d) If the first test is nonsignificant, a second test shall be given at least one week, but no later than three weeks, after the first test.
- e) If the first or second test reaction is significant, or if active tuberculosis is suspected at any time, the attending physician or local health authority shall order any further examinations and treatment which is considered necessary, such as x-rays, cultures, or sputum smears.

(Source: Added at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1230 Nursing Services

- a) Each facility shall have a full-time health service supervisor who is

Section 350.1230(a) (continued)

a registered nurse or a licensed practical nurse whose only responsibility is the immediate supervision of the facility's health services. This person shall be on duty a minimum of ~~thirty-six~~ ~~(36)~~ hours, four ~~(4)~~ days per week. At least 50 ~~thirty~~ ~~(30)~~ percent ~~(50)~~ of this person's hours shall be regularly scheduled ~~some time~~ between 7 A.M. and 7 P.M. There shall be a registered nurse or a licensed practical nurse on duty ~~twenty-four~~ ~~(24)~~ hours per day and seven ~~(7)~~ days per week in charge of health services at all times when the health service supervisor is not on duty. If the health services supervisor is a licensed practical nurse, arrangements for consultation from a registered nurse shall be made as specified in Section 350.1030(d). (B)

- 1) ~~A~~ A facility of less than ~~fifty~~ ~~(50)~~ bed capacity may, with written approval from the Department have two nurses share the duties of this position if it is unable to obtain a full-time person. Such an arrangement will be granted approval only through written documentation that the facility was unable to obtain the full-time services of a qualified individual to fill this position. Such documentation shall include, but not be limited to: an advertisement that has appeared in a newspaper of general circulation in the area for at least three ~~(3)~~ weeks; the names, addresses and phone numbers of all persons who applied for the position and the reasons why they were not acceptable or would not work full-time; and information about the number and availability of licensed nurses in the area. The Department will grant approval only when such documentation indicates that there were no qualified applicants who were willing to accept the job on a full-time basis, and the pool of nurses available in the area cannot be expected to produce, in the near future, a qualified person who is willing to work full-time.
- 2) ~~B~~ If two persons are to share the position, one shall be designated the Health Services Supervisor and the other shall be designated the Assistant Health Services Supervisor. Both of these persons may be Registered Nurses (RN) ~~RN's~~, both may be Licensed Practical Nurses (LPN) ~~LPN's~~, or one may be an ~~RN~~ ~~RN~~ and the other an LPN. In the latter case, the ~~RN~~ ~~RN~~ shall be designated the Health Services Supervisor and the LPN shall be designated the Assistant Health Services Supervisor.
- 3) ~~2~~ In facilities with a capacity of less than ~~fifty~~ ~~(50)~~ beds, this person (or these persons), may also provide direct

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1230(a)(3) (continued)

patient care, and ~~and this~~ this person's time may be included in meeting the staff to resident ratio requirements.
~~(350.1230(b))~~

- b) A licensed practical nurse who is the health services supervisor shall either be a graduate of a State approved school of practical nursing or equivalent. (See Definitions, Section 350.330). ~~(G)~~
- c) Residents shall be provided with nursing services, in accordance with their needs and which shall include, but are not limited to, the following: The Health Services Supervisor's participation in:

- 1) The pre-admission evaluation study and plan.
- 2) The evaluation study, program design, and placement of the resident at the time of admission to the facility.
- 3) The periodic reevaluation of the type, extent, and quality of services and programming.
- 4) The development of discharge plans, and the referral to appropriate community resources.
- 5) Training in habits in personal hygiene.
- 6) Development of a written plan for each resident to provide for nursing services as part of the total habilitation program.
- 7) Modification of the resident care plan, in terms of the resident's daily needs.

- d) A registered nurse shall participate, as appropriate, in the planning and implementation of training of facility personnel.

- e) Direct care personnel shall be trained in, but are not limited to, the following:

- 1) Detecting signs of illness, dysfunction or maladaptive behavior that warrant medical, nursing or psychosocial intervention. ~~(B-G)~~
- 2) Basic skills required to meet the health needs and problems of the residents. ~~(B-G)~~
- 3) First aid in the presence of accident or illness. ~~(B-G)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1230 (continued)

- f) There shall be available sufficient, appropriately qualified nursing staff, which may include currently licensed practical nurses and other supporting personnel, to carry out the various nursing service activities. (A, B)
- g) The individual responsible for the provision of nursing services shall have knowledge and experience in the field of developmental disabilities. ~~(G)~~
- h) Nursing service personnel at all levels of experience and competence shall be assigned responsibilities in accordance with their qualifications. ~~(B-G)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1240 Dental Services

- a) There shall be comprehensive diagnostic services for all residents which include a complete extra and intra oral examination utilizing all diagnostic aides necessary to properly evaluate the resident's oral condition, within a period of one ~~(1)~~ month following admission unless such an examination was done within six ~~(6)~~ months of admission, and the results are received and reviewed by the facility and are entered in the resident's record. ~~(B-G)~~
- b) There shall be comprehensive treatment services for all residents which include, but are not limited to, the following: ~~(B-G)~~
 - 1) Provision for dental treatment.
 - 2) Provision for emergency treatment on a ~~twenty-four (24)~~ hour, seven ~~(7)~~ days a week basis, by a qualified dentist.
 - 3) A recall system that will assure that each resident is reexamined at specified intervals in accordance with his needs, but at least annually.
- c) There is education and training in the maintenance of oral health and a dental hygiene program that includes: ~~(B-G)~~ Imparting information regarding nutrition and diet control measures to residents and staff; instruction of residents and staff in living units in proper oral hygiene methods; and instruction of parents or surrogates in the maintenance of proper oral hygiene, where appropriate (as in the case of residents leaving the facility).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1240 (continued)

- d) A permanent dental record shall be maintained for each resident. A summary dental progress report shall be entered in the resident's unit record at stated intervals. A copy of the permanent dental record shall be provided a facility to which a resident is transferred. (B-~~6~~)
- e) There shall be a formal arrangement for providing qualified and adequate dental services to the facility, including care in dental emergencies on a ~~twenty-four~~ ~~(24)~~ hour, seven ~~(7)~~ days-a-week basis. (B-~~6~~)
- f) There shall be available sufficient, appropriately qualified dental personnel, and necessary supporting staff, to carry out the dental services program. All dentists providing services to the facility shall be fully licensed to practice in the State of Illinois. All dental hygienists providing services to the facility shall be licensed to practice in the State of Illinois. (B-~~6~~)
- g) Each facility shall have a denture and dental prosthesis marking system which takes into account the identification marking system contained in Section 49 of the Illinois Dental Practice Act (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111, par. 2349). ~~2202, "Manufacture of dentures and dental prostheses, identification marks."~~ Policies and Procedures shall be written and contained in the facilities Policies and Procedure Manual. It shall include, at a minimum, provisions for: (B-~~6~~)

- 1) Marking individual dentures or dental prostheses, if not marked prior to admission to the facility, within ten ~~(10)~~ days of admittance; and
- 2) individually marked denture cups for denture storage at night.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1250 Physical and Occupational Therapy Services

- a) Physical and occupational therapy services shall be provided as needed by the residents through personal contact of the therapists directly with the residents ~~and/or~~ or indirectly with persons involved with the residents.
- b) Physical therapy and occupational therapy by the facility or by arrangements with an outside resource shall provide treatment

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1250(b) (continued)

- training programs that are designed to preserve and improve abilities for independent function, such as range of motion, strength, tolerance, coordination, and activities of daily living; and to prevent, insofar as possible, irreducible or progressive disabilities, through means such as the use of orthotic and prosthetic appliances, assistive and adaptive devices, positioning, behavior, adaptation, and sensory stimulation.
- c) The therapist shall function closely with the resident's primary physician and with other medical specialists and treatment training progress shall be recorded regularly, evaluated periodically, and used as the basis for continuation or change of the resident's program.
- d) Evaluation results, treatment objectives, plans, procedures, and continuing observations of treatment progress shall be recorded accurately, summarized, communicated, and included in the resident's record.

(Source: Amended at 13 Ill. Reg. 6040 effective April 17, 1989)

SUBPART G: MEDICATIONS

Section 350.1410 Medication Policies and Procedures

- a) Every facility shall adopt written policies and procedures, which are consistent with the purpose of the Act and this Part ~~these Rules and Regulations~~ and which shall be followed in the operation of the facility, for properly and promptly obtaining, dispensing, administering, and disposing of drugs and medications. These policies and procedures shall be in compliance with all applicable Federal, State and local laws. These policies and procedures shall be developed with the advice of a pharmaceutical advisory committee which includes at least one ~~(1)~~ licensed pharmacist, one ~~(1)~~ physician, the administrator and the Health Services Supervisor. This Committee shall meet at least quarterly. (B-~~6~~)
- b) All legend medications maintained in the facility shall be on individual prescription or from the physician's personal office supply, and shall be properly labeled as set forth in Section 350.1440(f). A physician who supplies medication from his personal office supply must comply with the ~~all~~ requirements of Section 33 of the "Medical Practice Act of 1987" (Ill. Rev. Stat. ~~1987~~ 1987, ch. 111, par. ~~4401~~ 4400-33 et seq.) ~~and the "Illinois~~

Section 350.1410(b) (continued)

~~"Controlled Substances Act" (Ill. Rev. Stat. 1981, ch. 56-1/2, par. 1-100 et seq.), and the Rules promulgated thereunder.~~ (B-~~6~~-)

- c) All medications administered shall be properly recorded as set forth in Section 350.1620(g). (B-~~6~~-)
- d) The staff pharmacist or consultant pharmacist shall participate in the planned in-service education program of the facility on topics related to pharmaceutical services. ~~(C-)~~
- e) Permission must be obtained from this Department prior to the opening of any pharmacy in a facility. Such permission will be granted only if it can be shown that the operation of the pharmacy will not interfere in any way with the residents. The pharmacist shall then obtain a license to operate the pharmacy in accordance with the rules ~~and regulations~~ of the Illinois Department of Professional Regulation ~~Registration and Education~~.

- f) No facility shall maintain a stock supply of controlled drugs or legend drugs, except for those emergency life saving drugs required in the emergency medication kit, as described in Section 350.1410(j). (B-~~6~~-)

- g) A facility may stock only drugs which are regularly available without prescription at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics. These shall be given to a resident only upon written order of the physician, dentist, or podiatrist, shall be administered from the original containers, and shall be recorded in the resident's clinical record. (B-~~6~~-)

- h) A facility may keep "convenience boxes" containing a reasonable number of medications normally used to treat conditions when residents suddenly become ill in non-life-threatening situations. There shall be no more than six ~~(6)~~ single doses of any one medication for each ~~one hundred (100)~~ licensed beds or portion thereof. Such conditions may include, but are not limited to: convulsions, serious emotional upsets, diarrhea, infection, and severe pain, etc. A dose shall be that amount listed by the manufacturer as the "usual dose" of the medication for adults. If the "usual dose" is two ~~(2)~~ tablets in the convenience box. (B-~~6~~-)

- i) The contents and number of these "convenience boxes" shall be determined by the pharmaceutical advisory committee, and there

Section 350.1410(h)(1) (continued)

shall be a label on the outside of each box, listing the contents. (B-~~6~~-)

- 2) Each "convenience box" shall be under the control of the pharmacy which supplies the contents of the box, and it shall be kept in a locked medicine room or cabinet. (B-~~6~~-)
- 3) No Schedule II substances shall be kept in "convenience boxes." (B-~~6~~-)

- 1) Emergency medication kits containing drugs necessary for life saving measures shall be approved by the facility's pharmaceutical advisory committee, and shall be available for immediate use at all times in locations as determined by the pharmaceutical advisory committee. (B-~~6~~-)

- 1) In order to provide better security for the contents of these kits, it is recommended that some type of seal be placed on each kit after it has been checked and refilled. This would insure that the contents of each kit is intact when needed in an emergency.

- 2) These kits shall consist of no more than three ~~(3)~~ single, injectable doses of only a few medications, such as those necessary to treat: cardiac arrest, acute coronary, acute cardiac failure, asthmatic ~~and/or~~ and allergic reactions, acute convulsion, acute pain, shock, diabetic coma, insulin shock, and an acute respiratory infection requiring emergency administration of a starter dose of an injectable antibiotic. The kits should also contain all of the equipment needed to administer these medications, such as a tourniquet, proper size needles and syringes, and alcohol swabs. It is also permissible to have an airway in these kits. (A, B-~~6~~-)

- 3) The contents of these kits shall be labeled on the outside of each kit. The kits shall be refilled as needed. They shall be reviewed by the pharmaceutical advisory committee regarding contents at least quarterly. Written documentation of this review shall be maintained. (B-~~6~~-)

- j) Since emergency medication kits must be available for immediate use at all times, the following requirements must be met when controlled substances are kept as part of the emergency medication kits: (B-~~6~~-)

Section 350.1410(j) (continued)

- 1) The controlled substances must be stored separately in a locked cabinet or room, and labeled as to substance and the fact that they are a part of the emergency medication kit. The label of the emergency kit shall list the substance and the specific location where it is stored. (B-~~7~~-G-)
- 2) The controlled substances must be obtained from a Drug Enforcement Administration registered hospital, pharmacy, or practitioner. (B-~~7~~-G-)
- 3) Only the director of nursing services, registered nurse on duty, licensed practical nurse on duty, consultant pharmacist or practitioner shall have access to these controlled substances. (B-~~7~~-G-)
- 4) No more than ten different controlled substances shall be kept as part of an emergency medication kit, and there shall be no more than three single, injectable doses of any one controlled substance. (B-~~7~~-G-)
- 5) These controlled substances may be administered only under the emergency conditions set forth in Section 350.1410(i)(2) and only by registered nurse, licensed practical nurses or practitioners, in compliance with 21 CFR 1306.11 and 21 CFR 1306.21 and the Department of Professional Regulation's ~~Registration and Education's rules~~ Rule 52 for the Administration of the Illinois Controlled Substance Act (77 Ill. Adm. Code 3100). (B-~~7~~-G-)

- 6) A proof-of-use sheet shall be stored with each separate controlled substance. Entries shall be made on the proof-of-use sheet by the nursing staff or practitioner when any controlled substance from the kit is used. The consultant pharmacist shall receive and file for two years a copy of all completed proof-of-use sheets. (B-~~7~~-G-)
- 7) Whenever the controlled substance portion of an emergency medication kit is opened, the consultant pharmacist shall be notified within 24 hours. During any period when this kit is opened, a shift count shall be done on all controlled substances until the kit is closed or locked by the consultant pharmacist. Shift counts are not mandatory when the kit is sealed. Proper forms for shift counts shall be kept with these portions of emergency medication kits. (B-~~7~~-G-)

Section 350.1410(j) (continued)

- 8) The consultant pharmacist shall check the controlled substances portions of emergency medication kits at least monthly and so document on the outside of each kit. (B-~~7~~-G-)
- 9) Failure to comply with any provision of this rule, or of any applicable provision of state or federal statutes or regulations pertaining to controlled substances shall result in loss of the privilege of having or placing controlled substances in emergency medication kits until such time as the facility can demonstrate that it is in compliance with such regulations. This is in addition to the usual methods of corrective action available to the Department, such as fines ~~and/or~~ or other penalties.
- k) Oxygen may be administered in a facility either as concentrated bottled oxygen or via means of an oxygen concentrator. Storage and handling of the bottled oxygen supply shall be in accordance with the 1977 National Fire Protection Association Standards, but no subsequently amended edition of the Standards, for nonflammable medical gas systems. (See Section 350.2620 or Section 350.2920 as appropriate). The facility must be in compliance with directions for use of oxygen concentrators as established by the manufacturer. (A, B-~~7~~-G-)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1420 Conformance with Physician's Orders

- a) All medications, including cathartics, headache remedies, or vitamins, shall be given only upon the written order of a physician. (Rubber stamp signatures are not acceptable.) All such orders shall have the handwritten signature of the physician. These medications shall be given as prescribed by the physician and at the designated time. (A, B-~~7~~-G-) Telephone orders may be taken by a registered nurse or licensed practical nurse. All such orders shall be immediately written on the resident's clinical record, or a "telephone order form" and signed by the nurse taking the order. These orders shall be countersigned by the physician within five ~~(5)~~ working days. Facilities participating in Medicare/Medicaid must meet the applicable Federal regulations. (B-~~7~~-G-)
- b) Review of medication orders: The staff pharmacist or consultant pharmacist shall review the medical record, including physician orders and laboratory test results, at least monthly and, based on

Section 350.1420(b) (continued)

~~his/her~~ their clinical experience and judgment, determine if there are irregularities which would cause potential adverse reactions, allergies, contraindications, or ineffectiveness. This review shall be done at the facility. Documentation of this review must be entered in the clinical record. Any irregularities noted shall be reported to the attending physician, the advisory physician, and the administrator. (A, B, ~~C~~)

- c) A medication order not specifically limiting the time or number of doses shall be automatically stopped in accordance with written policy approved by the pharmaceutical advisory committee. (B, ~~C~~)
- d) The resident's attending physician shall be notified of medications about to be stopped so that ~~he/she~~ the physician may promptly renew such orders to avoid interruption of the resident's therapeutic regimen. (B, ~~C~~)
- e) All medications to be released to the resident, or person responsible for ~~his/her~~ the resident's care, at the time of discharge or when the resident is going to be temporarily out of the facility at medication time (such as when attending a vocational training program or on a weekend pass) shall be approved by the physician. A notation concerning their disposition shall be made on the resident's clinical record. ~~(C)~~

(Source: Amended at 13 Ill. Reg. ~~6040~~, effective April 17, 1989)

Section 350.1430 Administration of Medication

- a) All medications shall be administered only by licensed medical or licensed nursing personnel, in accordance with their respective licensing requirements. (Some schools of nursing, especially some licensed practical nursing schools, do not include pharmacology courses. It is required that graduates of such schools successfully complete a course in pharmacology or have at least one years full-time equivalent experience in administering medications in a health care setting, in order to be considered to "have either training or experience, or both, in the job assigned to them" (Section 350.670(b)(1), if their duties include administering medications to residents.) (A, B, ~~C~~) Attorney General's Opinion File No. S-1033 ~~5-1033~~, dated January 9, 1976 concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the Illinois Nursing Act (Ill. Rev. Stat. 1973, ch. 91, pars. 35.32 et seq.), and as such,

Section 350.1430(a) (continued)

cannot be performed by persons who are not licensed as either Registered Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aides, orderlies, attendants, and other auxiliary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes." Written approval must be obtained from the attending physician before any resident is enrolled in such a training program. ~~(C)~~

- 1) Medications shall be administered as soon as possible after doses are prepared and administered by the same person who prepared the doses for administration, except under single unit dose packaged distribution systems. (B, ~~C~~)
- 2) Each dose administered shall be properly recorded in the clinical record by the person who administered the dose. ~~(See Section 350.1620(g).~~ (A, B, ~~C~~)
- 3) Self-administration of medication shall be permitted only upon the written order of the attending physician. (B, ~~C~~)
- b) The facility shall have medication records which shall be used and checked against the physician's orders to assure proper administration of medicine to each resident. Such records as computer generated medication sheets may be used. Medication records shall include or be accompanied by recent photographs or other means of easy identification such as resident identification wristbands. Medication records shall contain the resident's name, diagnoses, known allergies, and current medications, and, if possible, a history of prescription and non-prescription medications taken by the resident during the ~~thirty~~ ~~(30)~~ days prior to admission to the facility. (B, ~~C~~)
- c) Medications prescribed for one resident shall not be administered to another resident. (B, ~~C~~)
- d) If for any reason, a physician's medication order cannot be followed, the physician shall be notified as soon as is reasonable, depending upon the situation, and a notation made on the resident's record. (B, ~~C~~)
- e) Medication errors and drug reactions shall be immediately reported to the resident's physician and the consulting pharmacist. An entry thereof shall be made in the resident's clinical record and the error or reaction shall also be described on an incident report. (A, B)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.1430 (continued)

- f) Nurses' stations shall be equipped in accordance with ~~as per~~ Sections 350.2660(e) or ~~and Section~~ 350.2960(d) and shall have all necessary items readily available for the proper administration of medications. ~~(C)~~
- g) Current medication reference shall be available, such as the current edition of "Facts and Comparisons, Hospital Formulary", "Physician's Desk References" or other suitable references. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1440 Labeling and Storage

- a) All medications for all residents shall be properly labeled and stored at, or near the nurses' station in a locked cabinet, in a locked medication room, or one or more locked mobile medication carts of satisfactory design for such storage. ~~See subsections 350.1440 (f) and 350.1440 (g) of this Section.~~ (B)

1) These cabinets, rooms, ~~and/or~~ or carts shall be well lighted and of sufficient size to permit storage without crowding. ~~(B)~~ ~~(C)~~

2) All mobile medication carts shall be under the visual control of the responsible nurse at all times when not stored safely and securely - either in a locked room or otherwise made immobile. ~~(B)~~ ~~(C)~~

- b) All medications for external use shall be kept in a separate area in the cabinet, medicine room, or locked mobile medication cart. ~~(B)~~ ~~(C)~~

c) All poisonous substances and other hazardous compounds, such as sterilization solutions, irrigation solutions, antiseptics, and diagnostic reagents, ~~etc.~~ shall be kept in a separate locked container away from medications. (B)

d) Biologicals or medications requiring refrigeration shall be kept in a separate, securely fastened locked box within a refrigerator or a locked refrigerator, at or near the nurses' station or in a refrigerator within a locked medication room. (B)

e) The key to the medicine cabinet, medicine room ~~and/or~~ or mobile medication cart shall be the responsibility of, and in the possession

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.1440(e) (continued)

of, the persons authorized to handle and administer drugs, at all times. ~~(B)~~ ~~(C)~~

- f) The label of each individual multi-dose medication container filled by a pharmacist shall clearly indicate the resident's full name, physician's name, prescription number, name, strength, and quantity of drug, date this container was last filled, the initials of the pharmacist filling the prescription, the identity of the pharmacy and any necessary special instructions. If the individual multi-dose medication container is filled by a physician from his own supply, the label shall clearly indicate all the preceding information except that pertaining to the identification of the pharmacy, pharmacist and prescription number. ~~(C)~~

- g) Each single unit ~~and/or~~ or unit dose package shall bear the proprietary ~~and/or~~ or nonproprietary name of the drug, strength of dose and total contents delivered, lot or control number, and expiration date, if applicable. The names of the resident and the physician do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that the drug is administered to the right resident. Appropriate accessory and cautionary statements and any necessary special instruction shall be included, as applicable. Hardware for storing and delivering the medications shall have a label bearing the identity of the dispensing pharmacy. The pharmacist shall provide written verification of the date the medications were dispensed and the initials of the pharmacist who reviewed and verified the medications on hand. The pharmacist need not store such verification at the facility but shall readily make it available to the Department upon request. The lot or control number need not appear on unit dose packages if the dispensing pharmacy has a system for identifying those doses recalled by the manufacturer/distributor or if the dispensing pharmacy will recall and destroy all dispensed doses of a recalled medication, irrespective of a manufacturer's/distributor's specifically recalled lot. ~~(B)~~ ~~(C)~~

- h) Medication in containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or dispensing physician for relabeling or disposal. Medications in containers having no labels shall be destroyed in accordance with Federal and State laws. ~~(B)~~ ~~(C)~~

- i) The medications of each resident shall be kept and stored in their originally received containers. Medications shall not be transferred between containers, except that a licensed nurse may remove

Section 350.1440(1) (continued)

medication from original containers and place it in other containers to be sent with a resident when the resident will be out of the facility at the time of scheduled administration of medication, as, for instance, when the resident is on a home visit or away from the facility for employment, workshop, or educational activities. When medication is sent out of the facility with the resident, it shall be labeled by the nurse with the name of the resident, name of the medication, instructions for taking and any other appropriate information. (B—G—)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1450 Control of Narcotics and Legend Drugs

- a) The facility shall comply with all Federal and State laws and regulations relating to the procurement, storage, dispensing, administration, and disposal of medications.
- b) All Schedule II controlled substances shall be stored in such a manner so that two ~~(2)~~ separate locks, using two ~~(2)~~ different keys, must be unlocked to obtain these substances. This may be accomplished by several methods such as locked cabinets within locked medicine rooms, separately locked, securely fastened boxes (or drawers) within a locked medicine cabinet, locked portable medication carts, which are stored in locked medicine rooms when not in use, or portable medication carts containing separate locked area within the locked medication cart, when such cart is made immobile. (B—G—)
- c) All discontinued medications, or those having an expiration date that has passed, and all medications of residents who have been discharged or who have expired, shall be disposed of in accordance with the written policies and procedures that have been established by the facility in accordance with Section 350.1410. This subsection ~~rule~~ shall not apply to residents who have been temporarily transferred to a hospital or who are on a temporary home visit. Medications for such persons shall be kept in the facility unit such time as the resident expires or is discharged from the facility. (B—G—)
- d) For all Schedule II substances, a controlled substances record shall be maintained which lists on separate sheets, for each type and strength of Schedule II substance, the following information: date, time administered, name of resident, dose, physician's name,

Section 350.1450(d) (continued)

signature of person administering dose, and number of doses remaining. The pharmaceutical advisory committee may also require that other medications shall be subject to such inventory records.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART H: RESIDENT AND FACILITY RECORDS

Section 350.1610 Resident Record Requirements

- a) Each facility shall have a medical record system that facilitates the retrieval of information regarding individual residents as demonstrated by the facility. ~~(G—)~~
- b) The facility shall keep an active medical record for each resident. This resident record shall be kept current, complete, legible and available at all times to those personnel authorized by the facility's policies, and to the Department's representatives. ~~(G—)~~
- c) Record entries shall meet the following requirements:
 - 1) Record entries shall be made by the person providing or supervising the service or observing the occurrence that is being recorded. ~~(G—)~~
 - 2) Each record entry shall be written in ink or typed, shall be signed, dated, and shall include the profession or title of the person making the entry. ~~(G—)~~
- d) All physician's orders, plans of treatment, Medicare or Medicaid certification, recertification statements, and similar documents shall have the original written signature of the physician. The use of a physician's rubber stamp signature, with or without initials, is not acceptable. ~~(G—)~~
- e) An ongoing resident record including progression toward and regression from established resident goals shall be maintained. (B—~~G—~~)
- 1) The progress record shall indicate significant changes in the resident's condition. Any significant change shall be recorded upon occurrence by the staff person observing the change. (B—~~G—~~)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.1610(e) (continued)

- 2) Recommendations and findings of direct service consultants, such as providers of social, dental, dietary or habilitation services, shall be included in the resident's progress record when the recommendations pertain to an individual resident. ~~(c)~~
- f) A medication administration record shall be maintained which contains the date and time each medication is given, name of drug, dosage, and by whom administered. ~~(c)~~
- g) Treatment sheets shall be maintained recording all resident care procedures ordered by each resident's attending physician. Physician ordered procedures which shall be recorded include, but are not limited to, the prevention and treatment of decubitus ulcers, weight monitoring to determine a resident's weight loss or gain, catheter/ostomy care, blood pressure monitoring, and fluid intake and output. ~~(c)~~
- h) The records maintained for each resident shall be adequate for:
 - 1) Planning and continuously evaluating each resident's habilitation program,
 - 2) Furnishing evidence of each residents progress and response to the habilitation program, and
 - 3) Protecting each resident's legal rights.
- i) The facility shall have the option of using universal progress notes in the medical records.
- j) Each facility shall have a policy regarding the retirement and destruction of medical records. This policy shall specify the time frame for retiring a resident's medical record, and the method to be used for record destruction at the end of the record retention period. The facility's record retirement policy shall not conflict with the record retention requirements contained in Section 300.1840 of this Part. ~~(c)~~
- k) Discharge information shall be completed within forty-eight hours after the resident leaves the facility. The resident care staff shall record the date, time, condition of the resident, to whom released, and the resident's planned destination (home, another facility, undertaker). This information may be entered onto the admission record form. ~~(c)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.1610 (continued)

- 1) Each resident record is the property of the facility. The facility shall be responsible for securing resident record information against loss, defacement, tampering or use by unauthorized persons. ~~(c)~~

(Source: Amended at 13 Ill. Reg. 6040 effective April 17, 1989)

Section 350.1620 Content of Medical Records

- a) No later than the time of admission, the facility shall enter the following information onto the identification sheet or admission sheet for each resident:
 - 1) Name, sex, date of birth and Social Security Number.
 - 2) Marital status, and the name of spouse if there is one,
 - 3) Whether the resident has ~~has~~ been previously admitted to the facility.
 - 4) Date of current admission to the facility.
 - 5) State or country of birth.
 - 6) Home address.
 - 7) Religious affiliation (if any).
 - 8) Name, address and telephone number of any referral agency, state hospital, zone center or hospital from which the resident has been transferred (if applicable).
 - 9) Name and telephone number of the resident's personal physician.
 - 10) Name and telephone number of the resident's next of kin or responsible relative.
 - 11) Race and origin.
 - 12) Most recent occupation.
 - 13) Whether the resident or ~~his/her~~ the resident's spouse is a veteran.
 - 14) Father's name and mother's maiden name, Social Security numbers.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1620(a)(14) (continued)

mother's birthplace and parents' marital status.

- 15) Name, address and telephone number of the resident's dentist, and
- 16) The diagnosis applicable at the time of admission.

b) The following information shall be obtained and entered in the resident's record at the time of admission to the facility:

- 1) Heights, weight, color of hair and eyes, any identifying marks, and recent photograph,
- 2) Reason for admission or referral, and the diagnosis applicable at the time of admission,
- 3) Type and legal status of admission,
- 4) Legal competency status,
- 5) Language spoken or understood,
- 6) Results of the preadmission evaluation conducted pursuant to Section 350.630(a) of this Part, previous histories and any other previous evaluations available, and
- 7) At the time of admission, the facility shall obtain a history of prescription and non-prescription medications taken by the resident during the ~~thirty~~ 30 days prior to admission to the facility (if available).

c) Within one month after admission, the following information shall be entered into the newly admitted resident's record:

- 1) A statement of prognosis that can be used for programming and placement, and
- 2) A comprehensive evaluation and individual program plan, designed by an interdisciplinary team.

d) In addition to the information that is specified above, each resident's medical record shall contain the following:

- 1) Medical history and physical examination form that includes conditions for which medications have been prescribed, physician findings, all known diagnoses and restoration potential. This

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1620(d)(1) (continued)

shall describe those known conditions that the medical and resident care staff should be apprised of regarding the resident. Examples of diagnoses and conditions that are to be included are allergies, epilepsy, diabetes and asthma. ~~(C)~~

- 2) A physician's order sheet that includes orders for all medications, treatments, therapy and rehabilitation services, diet, activities and special procedures or orders required for the safety and well-being of the resident. ~~(C)~~
- 3) Nurse's notes that describe the nursing care provided, observations and assessment of symptoms, reactions to treatments and medications, progression toward or regression from each resident's established goals, and changes in the resident's physical or emotional condition. ~~(B, C)~~
- 4) An ongoing record of notations describing significant observations or developments regarding each resident's condition and response to treatments and programs.
 - A) Physicians and other consultants who provide direct care or treatment to residents shall make notations at the time of each visit with a resident. ~~(C)~~
 - B) Significant observations or developments regarding resident responses to dietary services and work or vocational orientation programs shall be recorded as they are noted. If no significant observations or developments are noted for three months, an entry shall be made in the record of that fact. ~~(C)~~
 - C) Significant observations or developments regarding resident responses to activity programs, social services, and nursing and personal care shall be recorded as they are noted. If no significant observations or developments are noted for a month, an entry shall be made in the record of that fact. ~~(C)~~
- 5) Any laboratory and x-ray reports ordered by the resident's physician. ~~(C)~~
- 6) Documentation of visits to the resident by a physician and to the physician's office by the resident. ~~(C)~~ The physician shall record, or dictate and sign, the results of such visits, such as changes in medication, observations and recommendations

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.1620(d)(6) (continued)

made by the physician during the visits, in the record.

- 7) The results of the physical examination conducted pursuant to Section 350.1220(1) of this Part.
- 8) Upon admission from a hospital or state facility, a hospital summary sheet or transfer form that includes the hospital diagnosis and treatment, a medical evaluation, physical examination, psychological workup, and a discharge summary. This transfer information, which may be included in the transfer agreement, shall be signed by the physician who attended the resident while in the hospital.
- 9) A record of all psychological testing and multidisciplinary evaluations regarding each resident.
- 10) Reports of any seizures, illnesses, and immunizations.
- 11) Reports of overall reviews and evaluations of each resident's individualized program plan. These reports shall identify the developmental progress and status of each resident, and shall be completed at least semiannually by each professional discipline providing services to the resident.
- 12) Records of significant behavior incidents, reactions to any family visits and contacts, attendance at programs, and leaves from the facility.
- 13) Any correspondence pertaining to the resident's program.
- 14) An update of the information recorded at the time of admission. This update shall be performed at least once every ~~twelve~~ 12 months, with changes in information relevant to the resident's personal physician and responsible relative to be recorded as they occur.
- 15) Appropriate authorizations and consents.
- 16) Results of the annual physical examination conducted pursuant to Section 350.1210(a) of this Part.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.1630 Confidentiality of Resident's Records

- a) All information contained in a resident's record, including any information contained in an automated data bank, shall be considered confidential. The facility shall permit the appropriate State and federal agencies (such as Illinois Departments of Public Aid, Public Health and Mental Health and Developmental Disabilities, and the U.S. Department of Health and Human Services) to have access to resident records.
- b) The facility shall develop and implement written policies governing access to, duplication of and dissemination of information from medical records.
- c) The facility shall obtain written consent of the resident, or, if a guardian, the resident's guardian, prior to any release of any resident record information to persons not authorized to receive the information.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1640 Records Pertaining to Residents' Property

- a) The facility shall maintain a record of any resident's belongings, including money, valuables and personal property, accepted by the facility for safekeeping. This record shall be initiated at the time of admission and shall be updated on an ongoing basis and made part of the resident's record. ~~(G)~~
- b) When purchases are made for a resident from the resident's personal monies, receipts shall be obtained and retained that verify the date, amount, and items purchased. ~~(G)~~
- c) A separate bookkeeping system shall be maintained by the facility which accounts for all transactions affecting each resident's account. Each individual resident, or the individual resident's representative, shall have access to the record of that individual resident's account. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1650 Retention and Transfer of Resident Records

- a) Records of discharged residents shall be placed in an inactive file and retained as follows:

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 350.1650(a) (continued)

Section 350.1660(d) (continued)

- 1) Records for any resident who is discharged prior to being ~~eighteen~~~~(18)~~ years old shall be retained at least until the resident reaches the age of ~~twenty-three~~~~(23)~~. ~~(C)~~
- 2) Records of residents who are over ~~eighteen~~~~(18)~~ years old at the time of discharge shall be retained for a minimum of five ~~(5)~~ years. ~~(C)~~
- b) After the death of a resident, the resident's record shall be retained for a minimum of five ~~(5)~~ years. ~~(C)~~
- c) It is suggested that the administrator check with legal counsel regarding the advisability of retaining resident records for a longer period of time, and the procedures to be followed in the event the facility ceases operation.
- d) When a resident is transferred to another facility, the transferring facility shall send with the resident a reason for transfer, summary of treatment and results, laboratory findings, and orders for the immediate care of the resident. This information may be presented in a transfer form or an abstract of the resident's medical record. ~~(B, C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1660 Other Resident Record Requirements

This Section contains references to rules located in other Subparts that pertain to the content and maintenance of medical records.

- a) The resident's record shall include facts involved if the resident's discharge occurs despite medical advice to the contrary, as required by Section 350.630(g) of this Part.
 - b) The resident's record shall contain the physician's permission, with contraindications noted, for participation in the activity program, as required by Section 350.1050(d) of this Part.
 - c) The records of residents participating in training and habilitation programs shall document the appropriateness of the program for the resident and the resident's response to the program, as described in Section 350.1060(l) of this Part.
 - d) The resident's record shall identify the reasons for any order and
- e) The resident's record shall include information regarding the physician's notification and response regarding any serious accident or injury, or significant change in condition, as required by Section 350.1220(m) of this Part.
 - f) Telephone orders shall be transcribed into the resident's medical record or a telephone order form and signed by the nurse taking the order, as described in Section 350.1420(a) of this Part.
 - g) Documentation of the monthly review of the medical record shall be entered in to the resident's medical record as described in Section 350.1420(b) of this Part.
 - h) Instances of inability to implement a physician's medication order shall be noted in the resident's medical record, as described in Section 350.1430(d) of this Part.
 - i) The resident's medical record shall include notations indicating any release of medications to the resident or person responsible for the resident's care, as described in Section 350.1420(e) of this Part.
 - j) Medication errors and drug reactions shall be noted in the resident's medical record as described in Section 350.1430(e) of this Part.
 - k) The resident's record shall include the physician's diet order and observations of the resident's response to the diet, as described in Section 350.1840 of this Part.
 - l) The resident's record shall contain any physician determinations that limit the resident's access to the resident's personal property, as described in Section 350.3210(b) of this Part.
 - m) The facility shall comply with Section 350.3210(g) of this Part, which requires that any medical inadvisability regarding married residents residing in the same room be documented in the resident's record.
 - n) The facility shall permit each resident, resident's parent, guardian or representative to inspect and copy the resident's medical records as provided by Section 350.3220(g) of this Part.
 - o) Any resident transfer or discharge mandated by the physical safety of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1660(o) (continued)

other residents shall be documented in the resident's medical record as required by Sections 350.3300(d) and (g) of this Part.

- p) Summaries of discussions and explanations of any planned involuntary transfers or discharges shall be included in the medical record of the resident that is to be involuntarily transferred or discharged, as described in Section 350.3300(j) of this Part.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1670 Staff Responsibility for Medical Records

The facility shall designate a staff member who is skilled in record maintenance and preservation ~~who shall~~ to be responsible for maintaining and preserving medical records. If the designated person is not a medical records practitioner as defined in Section 350.330, then the designated person shall receive consultation from a medical records practitioner in order to meet the medical record requirements contained in this Part.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1680 Retention of Facility Records

The facility shall retain the records referenced in this Section for a minimum of three years. ~~(G)~~ It is suggested that the administrator check with legal counsel regarding the advisability of retaining records for a longer period of time, and the procedures to be followed in the event the facility ceases operation. The records for which this requirement applies are as follows:

- a) The annual financial statement described in Section 350.210 of this Part.
- b) The minutes of resident advisory council meetings required by Section 350.650(j) of this Part.
- c) The records of in-service training required by Section 350.670(b)(3) of this Part.
- d) Copies of reports of serious incidents or accidents involving residents required by Section 350.700 of this Part.
- e) Records of the emergency medication kit review by the pharmaceutical

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1680(e) (continued)

advisory committee required by Section 350.1410(i)(3) of this Part.

- f) The reports of findings and recommendations from consultants required in Section 350.1690(a) of this Part.

- g) Copies of the quarterly reports for all employees that are filed for Social Security and Unemployment Compensation as required by Section 350.1690(d) of this Part.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1690 Other Facility Record Requirements

- a) The facility shall maintain a file of reports of findings and recommendations from consultants. Each report shall be dated and indicate each specific date and time the consultant was in the facility. ~~(G)~~

- b) The facility shall complete the Illinois Department of Public Health Annual Long Term Care (LTC) Facility Survey. ~~(G)~~

- c) The facility shall maintain a permanent chronological resident registry showing date of admission, name of resident and date of discharge or death. ~~(G)~~

- d) The facility shall make available to the Department upon request copies of the quarterly reports for all employees that are filed for Social Security and Unemployment Compensation. ~~(G)~~

- e) Rules located in other Sections of this Part that pertain to the content and maintenance of facility records are as follows:

- 1) The facility shall file an annual financial statement as described in Section 350.210 of this Part.
- 2) Records and daily time schedules shall be kept on each employee as set forth in Section 350.670(a) and (b) of this Part.
- 3) The facility shall maintain a controlled substances record as described in Section 350.1450(d) of this Part.
- 4) Menu and food purchase records shall be maintained as set forth in Section 350.1880(d) and (f) of this Part.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1690(e) (continued)

- 5) The facility shall maintain a file of all reports of serious incidents or accidents involving residents as required by Section 350.700 of this Part.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART I: FOOD SERVICE

Section 350.1810 Director of Food Services

- a) Each facility shall have a full-time person, suited by training and experience, who has been designated by the administrator to be responsible for the total food service operation of the facility. This person shall be on duty for a minimum of ~~forty~~ 40 hours each week. (B)

- 1) This person shall be either a dietitian or a dietetic service supervisor as defined in Section 350.330. ~~(C)~~

- 2) In facilities of ~~fifty~~ 50 beds or less, the food service supervisor (director) may assume cooking duties provided these duties do not interfere with the responsibilities of management and supervision.

- b) Consultation If the person responsible for food services is not a dietitian, he shall have frequent and regularly scheduled consultation from a qualified dietitian. This consultation, given in the facility, shall be not less than eight ~~48~~ hours each month and shall include consultation and training in all food service procedures, such as menu planning ~~and/or~~ or review, food preparation, food storage, food service safety, sanitation and management of therapeutic diets and in-service education.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1820 Dietary Staff in Addition to Director of Food Services

There shall be sufficient number of food service personnel employed and on duty to meet the dietary needs of all persons eating meals in the facility. Their working hours shall be scheduled to meet the total dietary needs of the residents. All dietary employees' time schedules and work assignments shall be posted in the kitchen. Dietary duties and job procedures shall be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1820 (continued)

available in the dietary department for employees' knowledge and use. (B-~~C~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1830 Hygiene of Dietary Staff

Food service personnel shall be in good health—~~and~~ Food service personnel shall practice hygienic food handling techniques— and good personal grooming. (B-~~C~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1840 Diet Orders

- a) Physicians shall write, in the medical record, a diet order for residents indicating whether the resident is to have a general or a therapeutic diet and the diet shall be served as ordered. ~~(C)~~

- b) A diet order for each resident shall be sent in writing to the food service department for each new admission and for every subsequent change in diet for that resident as ordered by his physician. The diet order shall include, but is not limited to, the following information: name of resident, room ~~number~~ and bed number, type of diet, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department. (See Section 350.1860 for ordering therapeutic diets.) ~~(C)~~

- c) The residents shall be observed to determine acceptance of the diet and these observations shall be recorded in his record. (B-~~C~~)

(Source: Amended at 13 Ill. Reg. 6040 effective April 17, 1989)

Section 350.1850 Adequacy of Diet and Meal Pattern ~~(A, B)~~

The daily food allowance for each resident shall meet the basic food pattern for a general diet for an adult following the recommendations of the Food and Nutrition Board, National Research Council, and shall include: (A, B)

- a) Milk and Milk Products: Two ~~(2)~~ or more eight ~~(8)~~ ounce servings of Grade A whole or low fat pasteurized milk where milk is used for fluid consumption (See Section 350.1900). Cheese and ice

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.1850(a) (continued)

cream may be used to replace part of the milk. The amount of either needed to replace a given amount of milk is figured on the basis of calcium content. The equivalents are as follows:

- 1) ~~1~~ One inch cube of cheddar type cheese equals ~~1/2~~ one-half cup milk.
- 2) ~~Two-thirds~~ 2/3 cup cottage cheese equals ~~one-half~~ 1/2 cup milk.
- 3) One ~~1~~ cup ice cream equals ~~1/2~~ one-half cup milk.
- 4) NOTE: If cheese is used as a serving of milk, it may not be also counted as a serving of protein in the Meat Group.

b) Meat Group: Two or more servings of protein food of good quality. The following are examples of one ~~(1)~~ serving:

- 1) Three ~~(3)~~ ounces (excluding bone and fat) of any cooked meat such as whole or ground beef, veal, pork or lamb; poultry; organ meats such as liver, heart, kidney; prepared luncheon meats.
- 2) Three ounces cooked fish or shell fish or one half ~~(1/2)~~ cup canned fish.
- 3) Three ounces of natural or processed cheese or three fourths ~~(3/4)~~ cup cottage cheese.
- 4) Three eggs (minimum weight 21 ounces per dozen). NOTE: If one egg is served for breakfast, a protein food of good quality may be reduced from ~~6~~ six to ~~5~~ five ounces for the remaining meals. If ~~2~~ two eggs are served for breakfast, a minimum of ~~2~~ two ounces of protein of good quality shall be served at each of the remaining meals.

- 5) One ~~(1)~~ cup cooked dried peas or beans or six ~~(6)~~ tablespoons of peanut butter, not more than twice a week and provided eggs, milk or lean meat are served at the same meal.
- 6) Combinations of all above examples are acceptable, provided the Minimum Standard of six ~~(6)~~ ounces of a protein food of good quality is served daily and provided the combinations do not conflict with eye appeal or palatability.

c) Vegetable and Fruit Group: Four ~~(4)~~ or more one half ~~(1/2)~~ cup

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.1850(c) (continued)

servings of fruits ~~and/or~~ or vegetables.

1) Sources of Vitamin C

- A) One ~~(1)~~ serving portions of a good source of Vitamin C (grapefruit, grapefruit juice, orange, orange juice, cantaloupe, raw strawberries, broccoli, brussels sprouts, green peppers, sweet red pepper). OR
- B) Two ~~(2)~~ servings, one ~~1~~ cup, of a fair source of Vitamin C (raw cabbage, collards, kale, kohlrabi, mustard greens, potatoes, spinach, tomatoes, tomato juice, turnip greens).
- 2) One ~~(1)~~ serving of a good source of Vitamin A at least three ~~(3)~~ times weekly (apricots, broccoli, cantaloupe, carrots, chard, collards, kale, persimmon, pumpkin, spinach, sweet potato, turnip greens and other dark green leaves, winter squash).
- 3) Other Fruits and Vegetables including Potatoes.
- 4) To insure variety, any vegetable or fruit repeated for the day shall not be counted as one of the four ~~(4)~~ servings required in this group.
- d) Bread and Cereal Group: Four ~~(4)~~ or more servings of whole grain, enriched or restored. One ~~(1)~~ slice of bread equals one ~~(1)~~ serving. One half ~~(1/2)~~ cup cooked cereal or three fourths ~~(3/4)~~ cup dry cereal equals one ~~(1)~~ serving.
- e) Butter or Margarine: Two ~~(2)~~ tablespoons or more to be used as a spread and in cooking.
- f) Other Foods: Serve other foods as necessary to round out meals, satisfy individual appetites, improve flavor, and meet the individual's nutritional and caloric needs. Snacks may also be used for this purpose.
- g) Meal Pattern: Foods for the day shall be planned to provide a variety of foods, variety in texture and good color balance to give "eye appeal" to the meal. The following meal patterns shall be used.

1) Three Meals A Day Plan

- A) Breakfast: Fruit or Juice, Cereal, Meat (optional), but

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1850(g)(1)(A) (continued)

three or four times per week preferable), Bread, Butter or Margarine, Milk, and Choice of additional Beverage.

- B) Main Meal (May be served noon or evening): Soup or Juice (optional), appetizer (May be served), Entree (quality protein), Potato or potato substitute, Vegetable ~~and/or~~ or Salad, Dessert (Preferably fruit unless fruit is served as a salad or will be served at other meal ~~lunch or supper~~), Bread, Butter or Margarine, and Choice of Beverage.

- C) Lunch or Supper: Soup or Juice (optional), Entree (quality protein), Potato or potato substitute (Optional if served at main meal), Vegetable ~~and/or~~ or Salad, Dessert, Bread, Butter or Margarine, Milk, and Choice of additional Beverage.

2) Four Meals A Day Plan

- A) Breakfast (7:00 or 7:30 A.M.): Juice, Cereal, Toast or Roll, Butter or Margarine, Milk, and Choice of additional Beverage.
- B) Brunch (10:00 or 10:30 A.M.): Fruit or Juice, Main Dish (quality protein), Bread, Rolls or Special Breads (such as French Toast, or Pancakes), Butter or Margarine, and Choice of Beverage.
- C) Full Dinner (4:00 or 4:30 P.M.): Appetizer or Soup, Protein Entree, Potato or Potato Substitute, Vegetable, Salad, Dessert, Bread or Roll, Butter or Margarine, Milk, and Choice of additional Beverage.
- D) Snack (7:00 or 7:30 P.M.): Sandwich (Meat Group Filling), Light Dessert, and Milk or Juice.

3) Five Meals A Day Plan

- A) Continental Breakfast (7:00 or 7:30 A.M.): Fruit, Juice, Toast or Roll, Butter or Margarine, Milk, and Choice of additional Beverage.
- B) Brunch (10:00 or 10:30 A.M.): Fruit or Juice, Cereal, Eggs ~~and/or~~ or Meat Dish, Bread or Muffin or Special Toast, Butter or Margarine, and Beverage.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1850(g)(3) (continued)

- C) Snack (1:00 or 1:30 P.M.): Soup with Crackers, Small Sandwich (with Meat Group filling or Cheese), or Peanut Butter and crackers, and Milk or Beverage.
- D) Dinner (4:00 or 4:30 P.M.): Meat, Fish or Poultry, Potato or Potato Substitute, Vegetable, Salad, Bread or Roll, Butter or Margarine, Dessert, Milk, and Choice of additional Beverage.
- E) Snack (7:00 or 7:30 P.M.): Small Sandwich with Meat Group filling, Fruit Juice or Milk, and Dessert (such as Ice Cream, Cookies, Jello, Pudding, Custard, or Fruit).

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1860 Therapeutic Diets

- a) A therapeutic diet order (see Section 350.1840 (a) and (b)) shall include, but is not limited to, the following information: name of resident, room ~~number~~ and bed number, type of diet, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department. ~~(G)~~
- b) Medically prescribed diets shall be recorded in the resident's medical record and served as ordered. The resident shall be observed to determine acceptance of the diet and these observations shall be recorded in his record. ~~(B, G)~~
- c) The kinds and variations of these prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, diet information for each specific type shall be posted in the kitchen. ~~(G)~~
- d) All oral therapeutic diets, with the exception of liquid and medical soft diets, shall be reviewed at least every three ~~(3)~~ months. Liquid diets shall be reviewed every ~~forty-eight (48)~~ hours; medical soft diets shall be reviewed every three ~~(3)~~ weeks. This review may be done by nursing personnel with recommendations to the attending physician. ~~(B, G)~~
- e) The facility shall have available, and in use, two ~~(2)~~ or more copies of a current diet manual approved by the Department. One ~~(1)~~ copy shall be located in the kitchen for use by dietary

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1860(e) (continued)

personnel; other copies shall be located at each nurses' station for available use by the physician when prescribing diets. ~~(G)~~

- f) All special diets or dietary restrictions shall be medically prescribed and shall be planned or approved by a dietitian or nutritionist.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1870 Scheduling Meals

- a) A minimum of three ~~(3)~~ meals or their equivalent shall be served daily at regular times with no more than a ~~fourteen (14)~~ hour span between a substantial evening meal and breakfast. The ~~fourteen (14)~~ hour span shall not apply to facilities using the "four or five meals-a-day" plan, provided the evening meal is substantial and includes, but is not limited to, a good quality protein, bread or bread substitute, butter or margarine, a dessert and a nourishing beverage. (B, ~~G~~)

- b) Between meals ~~and/or~~ or bedtime snacks of nourishing quality shall be offered. (B)

- c) If a resident refuses food served, reasonable and nutritionally appropriate substitutions shall be served. (B, ~~G~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1880 Menu Planning

- a) Menus, including menus for snacks and "sack" lunches, shall be planned at least one ~~(1)~~ week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook marked "Substitutions" that is kept in the kitchen. If a notebook is used to document substitutions, it shall include the date of the substitution ~~(s)~~; the meal at which the substitution ~~(s)~~ was ~~made~~; the menu as originally written; and the menu as actually served. (B, ~~G~~)

- b) The menu for the current week shall be dated and posted. Upon the request of the Department, sample menus shall be submitted for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1880(b) (continued)

evaluation. ~~(G)~~

- c) Menus shall be different for the same day of consecutive weeks. ~~(G)~~

- d) All menus as actually served shall be kept on file for not less than ~~thirty (30)~~ days. ~~(G)~~

- e) Supplies of staple food for a minimum of a one ~~(1)~~ week period and of perishable foods for a minimum of a two ~~(2)~~ day period shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu. ~~(G)~~

- f) Records of all food purchased shall be kept on file for not less than ~~thirty (30)~~ days. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1890 Food Preparation and Service

- a) Food shall be prepared by appropriate methods that will conserve their nutritive value, enhance their flavor and appearance. They shall be prepared according to standardized recipes and a file of such recipes shall be available for the cook's use. ~~(G)~~

- b) Foods shall be attractively served at the proper temperatures and in a form to meet individual needs. (B, ~~G~~)

- c) All residents shall be served in a dining room or a multipurpose room except for an individual with a temporary illness, who is too ill, or for other valid reasons. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.1900 Food Handling Sanitation

Every facility shall comply with the ~~latest edition of the~~ Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750) ~~Rules and Regulations~~.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.1910 Kitchen Equipment, Utensils, and Supplies

The kitchen or dietary area shall be adequate to meet the food service needs. It shall have adequate equipment, utensils, and supplies to properly store, prepare, and serve the required number of meals in accordance with the ~~latest~~ ~~edition of the~~ Department's rules entitled "Food Service Sanitation" ~~Rules~~ (77 Ill. Adm. Code 750). This shall include, but is not limited to, the following: (B-~~G~~-)

- a) Each kitchen and floor pantry, or subkitchen, in each building shall be equipped with facilities to: maintain required food temperatures during storage, preparation and service; provide protection of cooking equipment and utensils from contamination; and prepare the planned meals. New or replacement equipment shall be of satisfactory institutional type based on generally accepted standards. ~~(C)~~
- b) There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives, and mixers, ~~etc.~~ of the proper type to satisfactorily prepare the meals. ~~(C)~~
- c) There shall be proper equipment to maintain food temperatures during service to residents. This equipment may be in the form of heated food carts, insulated food containers, or suitable equivalent. (B-~~G~~-)
- d) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART J: MAINTENANCE HOUSEKEEPING AND LAUNDRY

Section 350.2010 Maintenance

- a) Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: (B-~~G~~-)

- 1) Maintain the building in good repair and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor covering, such as tile or linoleum; loose handrails or railings; loose or broken window panes; and any other similar hazards. (B-~~G~~-)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2010(a) (continued)

- 2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems. (A, B-~~G~~-)
- 3) Maintain all electrical cords and appliances in a safe and functioning condition. (B-~~G~~-)
- 4) Maintain the interior and exterior finishes of the building as needed to keep it attractive and clean and safe (painting and washing and other types of maintenance ~~, etc.~~). ~~(C)~~
- 5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition. ~~(C)~~
- 6) Maintain the grounds and other buildings on the grounds in a safe, sanitary and presentable condition. (B-~~G~~-)
- 7) Maintain the grounds free from refuse, litter, insect and rodent breeding areas. ~~(C)~~
- 8) The building and grounds shall be kept free of any possible infestations of insects and rodents by: eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than ~~sixteen~~ ~~(16)~~ mesh to the inch and repair of any breaks in construction. (B-~~G~~-)

- b) Each facility shall maintain ~~Maintain~~ all plumbing fixtures and piping in good repair and properly functioning. Protect the potable water supply from contamination by providing and properly installing adequate, backflow protection devices or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2020 Housekeeping

- a) Every facility shall have an effective plan for housekeeping including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: (B-~~G~~-)
 - 1) Keep the building in a clean, safe, and orderly condition. This includes all rooms, corridors, attics, basements, and storage

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2020(a)(1) (continued)

areas. (B-~~C~~-)

- 2) Keep floors clean and as non-slip as possible. Throw rugs ~~and/or~~ or scatter rugs with non-slip type backings may be utilized if they do not constitute a serious tripping hazard. ~~(C)~~
- 3) Control odors within the housekeeping staff's areas of responsibility by effective cleaning procedures and by the proper use of ventilation systems. Deodorants shall not be used to cover up persistent odors caused by unsanitary conditions or poor housekeeping practices. ~~(C)~~
- b) Attics, basements, stairways, and similar areas shall be kept free of accumulations of refuse, discarded furniture, old newspapers, boxes, discarded equipment, and other items. (B-~~C~~-)
- c) Bathtubs, shower stalls, ~~and/or~~ and lavatories shall not be used for laundering, janitorial, or storage purposes. ~~(C)~~
- d) All cleaning compounds, insecticides, and all other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms. (B-~~C~~-)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2030 Laundry Services

- a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either thru an in-house laundry or a contract with an outside service.

1) An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, and pillow cases ~~etc.~~ required to provide for the residents needs. Additional changes of linen may be required in consideration of laundering and transporting soiled linens. ~~(C)~~ If an in-house laundry service is provided then the following conditions shall exist:

- 2) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. ~~(C)~~
- 3) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2030(a)(3) (continued)

storage of clean and soiled linens. ~~(C)~~

- 4) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens. ~~(C)~~
- 5) Clean linen shall be protected from contamination during handling, transport and storage. ~~(C)~~
- 6) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel. ~~(C)~~
- 7) The laundry and its accessory storage and handling areas shall not be used as a storage area for supplies not directly connected with the operation of the laundry. ~~(C)~~
- b) If an outside laundry service is used, it shall comply with the requirements of in-house laundries and, in addition, shall provide for protection of clean linens during transport back to the facility. ~~(C)~~
- c) If the facility provides laundry service for residents' personal clothing, it must be handled, transported and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section 350.2210 Furnishings

- a) Each resident shall be provided with a separate bed suitable to meet the needs of the resident. Each bed shall be at least ~~thirty-four~~ ~~(36)~~ inches wide, have a headboard, be of sturdy construction and in good repair. A double bed shall be provided for married couples if they request this arrangement, and there are no medical contraindications. Double beds shall be provided for married couples at their request. ~~(C)~~
- b) Each bed shall be provided with satisfactory type springs in good

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2210(b) (continued)

- repair and a clean, firm, comfortable mattress of appropriate size for the bed. ~~(C)~~
- c) Each bedroom shall have window shades, or equivalent, in good repair. ~~(C)~~
- d) A satisfactory reading lamp, or equivalent, shall be provided for each bed. ~~(C)~~
- e) Each bed shall be provided with a minimum of one ~~(1)~~ clean, comfortable pillow. ~~(C)~~ There shall be additional pillows available in the home to satisfactory serve the needs of the residents. ~~(C)~~
- f) Each bedroom shall be provided with a mirror, unless there is a mirror in a bathroom opening into this bedroom. Each lavatory shall be provided with a mirror. ~~(C)~~
- g) Each living room for residents' use shall be provided with an adequate number of reading lamps, tables, and chairs or settees. These furnishings shall be well constructed and of satisfactory design for the residents. ~~(C)~~
- h) Dining room furnishings shall be provided for each resident which are well constructed, comfortable, in good repair, and of satisfactory design for the residents. There shall be a sufficient number of tables, of a type that can be used by wheelchair residents, to accommodate all such residents in the facility. ~~(C)~~
- i) Office spaces, nurses' stations, treatment rooms, and other areas shall be satisfactorily furnished with desks, chairs, lamps, cabinets, benches, work tables, ~~and/or~~ and other furnishings essential to the proper use of the area. ~~(C)~~
- j) For each bed there shall be furnished:
 - 1) A minimum of two ~~(2)~~ adequately sized dresser drawers. ~~(C)~~
 - 2) A comfortable chair. ~~(C)~~
 - 3) An individual towel rack. ~~(C)~~
 - 4) A satisfactory reading light over, or at the side of, the bed. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2210(j) (continued)

- 5) Adequate closet, locker, or wardrobe space for hanging clothing within the room. ~~(C)~~
 - 6) A satisfactory bedside cabinet or table. ~~(C)~~
- (Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2220 Equipment and Supplies

- a) The facility shall have a supply of thermometers, emesis basins, ice bags, hot water bottles or equivalent, bedpans, urinals, and sets of enema equipment sufficient to meet the needs of its residents. ~~(B)~~ ~~(C)~~
 - b) There shall be at least one ~~(1)~~ bedside screen available in the facility for each ~~five~~ ~~(50)~~ beds or major fraction thereof in multiple bedrooms to provide residents' privacy when needed. ~~(C)~~
 - c) There shall be a sufficient supply of linen and bedding in good condition to provide proper care and comfort to the residents. ~~(B)~~ ~~(C)~~
 - d) There shall be a first-aid kit or emergency box in every facility. This shall contain bandages, sterile gauze dressing, bandage scissors, tape, sling, burn ointment, and other equipment deemed necessary by the advisory physician or the medical advisory committee. ~~(B)~~ ~~(C)~~
 - e) Activity program supplies shall be provided to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, age-appropriate games, craft supplies, current magazines, books, radio, television, and record player. A piano or organ is recommended as an important adjunct to the activity program equipment. ~~(C)~~
 - f) Dishes and kitchen equipment shall be provided as set forth in Sections 350.1900 and 350.1910. ~~(C)~~
 - g) Cleaning equipment and supplies shall be provided as set forth in Subpart J Maintenance, Housekeeping and Laundry. ~~(C)~~
 - h) There shall be special equipment, implements, or utensils provided to residents as needed to assist them when eating. ~~(B)~~ ~~(C)~~
- (Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section 350.2410 Codes

Water supply, sewage disposal and plumbing systems shall comply with the all applicable State and local codes and ordinances. (B-~~G~~-)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2420 Water Supply

- a) Each facility shall be served by water from a municipal public water supply when available. (B-~~G~~-)

- b) When a municipal water supply is not available, the water supply shall comply with the Department's rules ~~for~~ entitled "Drinking Water Systems" (77 Ill. Adm. Code 900) ~~as amended~~. (B-~~G~~-)

- c) If water is supplied by a well that is not part of a municipal system, the well shall be constructed and maintained in accordance with the Department's rules entitled "Illinois Water Well Construction Code" (77 Ill. Adm. Code 920) and "Water Well Pump Installation Code" (77 Ill. Adm. Code 925).

- d) Each facility shall have a written agreement with a water company, dairy, or other water purveyor to provide an emergency supply of potable water for drinking and culinary purposes.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2430 Sewage Disposal

- a) All sewage and liquid wastes shall be discharged into a public sewage system when available. (B-~~G~~-)

- b) When a public sewage system is not available, sewage and liquid wastes shall be collected, treated, and disposed of in a private sewage disposal system. The design, construction, maintenance, and operation of the system shall comply with the Department's rules entitled "Private Sewage Disposal Code" (77 Ill. Adm. Code 905) ~~as amended~~. (B-~~G~~-)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2440 Plumbing

Each plumbing system shall comply with the Department's rules entitled "Illinois ~~State~~ Plumbing Code" ~~and the Illinois Plumbing Code~~ (77 Ill. Adm. Code 890) effective at the time of construction ~~and/or~~ or approved acceptance by the Department.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE
CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section 350.2610 Applicability of These Standards

- a) These standards shall apply to all new Long-Term Care Facilities and major alterations and additions to existing Long-Term Care Facilities. (Major alterations are those that are not defined as minor alterations in Section 350.2610(f) of this Part ~~herein~~.) Long-Term Care Facilities contemplating construction shall contact the Health Facilities Planning Board for information concerning the current requirements. Projects for which working drawings and specifications have received final approval by the Department prior to the promulgation of these Standards are subject only to those Standards that were in effect at the time that the final approval was given.

- b) When construction is contemplated, either for new buildings or additions or major alterations to existing buildings coming within the scope of these standards, design development drawings and outline specifications shall be submitted to the Department for review. Approval of design development drawings and specifications shall be obtained from the Department prior to starting final working drawings and specifications. Comments or approval will be provided within ~~thirty (30)~~ days of receipt by the Department. ~~(G)~~

- c) The final working drawings and specifications shall be submitted to the Department for review and approval prior to beginning of construction. For final approval to remain valid, contracts must be signed within one ~~(4)~~ year of the date of final approval. Alternate methods of design development and construction such as fast track may be acceptable subject to the approval of the Department. Comments of approval will be provided within ~~thirty (30)~~ days of receipt by the Department. ~~(G)~~

- d) Any contract modifications which affect or change the function, design, or purpose of a facility shall be submitted to the Department

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2610(d) (continued)

for approval prior to authorizing the modifications. Comments or approval will be provided within ~~thirty~~ (30) days of receipt by the Department. ~~(C)~~

- e) The Department shall be notified at least ~~thirty~~ (30) days before construction has been completed. The Department will then complete a final inspection. Deficiencies noted during the final inspection must be completed before occupancy will be allowed. ~~(C)~~
- f) Minor alterations or remodeling changes which do not affect the structural integrity of the building, which do not change functional operation, which do not affect fire safety, and which do not add beds or facilities over those for which the Long-Term Care Facility is licensed need not be submitted for drawing approval. However, the Health Facilities Planning Board requirements must be met for all alterations and remodeling projects. ~~(C)~~
- g) No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor any such existing system materially altered or extended until complete plans and specifications for the installation, alteration or extension have been submitted to the Department and have been reviewed and approved. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2620 Codes and Standards

- a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of the rules or regulations of any Agency of the United States or of any standards of a nationally recognized organization or association includes no new amendments or editions made after the date specified. (A, B, ~~C~~)

- 1) State of Illinois rules ~~codes and standards~~

- A) ~~Illinois~~ State Plumbing Code ~~(1993)~~ (77 Ill. Adm. Code 890), Department of Public Health ~~Environmental-Health Protection~~
- B) ~~Illinois~~ Accessibility Code ~~Standards Illustrated~~ ~~(March 1991)~~ (71 Ill. Adm. Code 400), Capital Development Board
- C) ~~Rules for~~ Fire Prevention and Safety ~~(September 1983)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2620(a)(1) (continued)

- (41 Ill. Adm. Code 100), Office of the State Fire Marshal
- D) ~~Rules for~~ Food Service Sanitation ~~(1983)~~ (77 Ill. Adm. Code 750), Department of Public Health ~~Environmental-Health Protection~~
- E) ~~An Act to regulate the construction, installation, repair, use and operation of boilers and pressure vessels, and to create a Board of Boiler and Pressure Vessel Rules (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 3201 et seq.) and Boiler and Pressure Vessel Safety Rules (41 Ill. Adm. Code 120), Office of the State Fire Marshal Boiler and Pressure Vessel Safety~~
- ~~F) State of Illinois Safety Glazing Materials Act, (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 3101 et seq.)~~

2) Other codes and standards ~~references~~

- A) National Fire Protection Association

- i) NFPA 101 Life Safety Code 1981 Edition (New Health Care Occupancies - Residential-Custodial Care) and all appropriate references under Appendix "B", including but not limited to: ~~National Protection Association~~

- ii) NFPA 10 - 1978, Standard for Portable Extinguishers

- iii) NFPA 13 - 1980, Standards for the Installation of Sprinkler Systems

- iv) NFPA 56F - 1977, Standard for Non-Flammable Medical Gas Systems

- v) NFPA 70- 1981, National Electric Code

- vi) NFPA 90A - 1978, Standards for the Installation of Air Conditioning and Ventilating Systems

- vii) NFPA 96- 1980, Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment

- viii) NFPA 220 - 1979, Standard Types of Building Construction

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2620(a)(2)(A) (continued)

- ix) NFPA 253 - 1978, Flooring Radiant Heat Energy Test
- x) NFPA 255 - 1972, Test of Surface Burning Characteristics of Building Materials
- B) Underwriters' Laboratory, Inc. (UL) ~~Underwriters' Laboratories, Inc.~~
 - i) Fire Resistance Index (All Editions)
 - ii) Building Material Directory (All Editions)
 - iii) Standard No. - 181-1974 Factory Made Air Duct Materials and Air Duct Connectors
- C) American Society for Testing and Materials (ASTM) ~~American Society for Testing and Materials~~
 - i) Standard No. E-84-1977A, Method of Test for Surface Burning Characteristics of Building Materials (Same as NFPA 255)
- D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) ~~American Society of Heating, Refrigerating, and Air Conditioning~~
 - i) Handbook of Fundamentals, 1977
- E) Uniform Building Code (1982 Edition), International Conference of Building Officials
- F) Standard No. A117.1-1971, American Standards Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped American National Standards Institute
- G) Standard No. A17.1-1971, American National Safety Code for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2620(a)(2)(G) (continued)

- Elevators, Dumbwaiters, Escalators, and Moving Stairs
- ~~H) Public Health Service Publication No. 934 Food Service Sanitation Manual Superintendent of Documents~~
- H) ~~H)~~ HUD FT/TS-24, A Guide to Air Borne, Impact and Structure Borne Noise-Control in Multi-Family Dwellings
- b) In addition to compliance with the Standards set forth herein, all building codes, ordinances and regulations which are enforced by city ~~city~~, county ~~county~~ or other local jurisdictions in which the facility is, or will be located must be observed. (A, B, ~~C~~)
- c) Where no local building code exists, the recommendations of the 1976 Edition of the Uniform Building Code shall apply. ~~(C)~~
- d) The local building code or the recommendations of the 1982 Edition of the Uniform Building Code shall apply insofar as such recommendations are not in conflict with these standards set forth in these regulations, or with the National Fire Protection Association Code, Standard 101, Life Safety Code, (1981 Edition). ~~(C)~~
- e) The Fire Safety Evaluation System for Health Occupancies (Appendix C) of the 1981 edition of the Life Safety Code (NFPA 101) shall be used by the Department in determining whether any facility's proposed equivalent system is safe and does not constitute a hazard to the life and safety of the staff and residents. In making its determination regarding the proposed equivalent system, the Department shall consider those factors listed in Appendix C.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2630 Preparation of Drawings and Specifications

- a) The preparation of drawings and specifications shall be executed by or be under the immediate supervision of an architect registered in the State of Illinois. ~~(C)~~
- b) The first submission shall be the design development drawings indicating in detail the assignment of all spaces, size or areas and rooms, and indicating in outline, the fixed and movable equipment and furniture. ~~(C)~~
- c) The plans shall be drawn at a scale sufficiently large to clearly

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2630(c) (continued)

present the proposed design. ~~(G)~~

d) The drawing shall include:

- 1) a plan of each floor including the basement or ground floor, ~~(G)~~
- 2) roof plan, ~~(G)~~
- 3) plot plan showing roads, parking areas, and sidewalks, ~~etc.~~
- 4) elevations of all facades, ~~(G)~~
- 5) sections through the building, ~~(G)~~
- 6) identification of all fire and smoke compartmentation. ~~(G)~~

e) Outline specifications shall provide a general description of the construction including finishes; acoustical material, floor covering; heating and ventilating systems; description of the electrical system including the emergency electrical system and the type of elevators. ~~(G)~~

f) The total gross floor area and bed count shall be shown on the drawings.

g) A brief narrative of the proposed program shall be submitted with the preliminary drawings and outline specifications. ~~(G)~~

h) Following approval of the design development drawings and specifications, working drawings and specifications shall be submitted. All working drawings shall be well prepared and clean and distinct prints submitted. Drawings shall be accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for contract purposes. Drawings shall be prepared for each of the following branches of work: Architectural, Structural, Mechanical, Electrical and Plumbing. ~~(G)~~

1) The architectural drawings shall show:

- A) Site plan showing all topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2630(h)(1)(A) (continued)

of the areas to be landscaped. All structures which are to be removed under the construction contract shall be shown. ~~(G)~~

B) Plan of each floor and roof. ~~(G)~~

C) Elevation of each facade. ~~(G)~~

D) Sections through building. ~~(G)~~

E) Elevators and dumbwaiters. Drawings delineating shaft details and dimensions, sizes of cab platforms and doors, travel distances including elevation height of landings, pit sizes, and machine rooms. ~~(G)~~

F) Kitchen, laundry, clean and soiled utility room, special care areas, and similar areas shall be detailed at a scale to show the locations, type, size and connection of all fixed and movable equipment. ~~(G)~~

G) Scale details as necessary; at a scale sufficiently large to properly indicate details of the work. ~~(G)~~

H) Schedule of finishes. ~~(G)~~

2) The structural drawings shall show:

A) Plans of foundations, floors, roofs and all intermediate levels shall show the complete design with sizes, sections, and the relative location of the various members including: ~~(G)~~

B) Schedule of beams, girders and columns. ~~(G)~~

C) Notes on design data shall include the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil bearing pressures. ~~(G)~~

D) Details of special connections, openings, pipe sleeves and expansion joints. ~~(G)~~

E) Special structures shall include calculations defining load assumption, shear and moment diagrams and horizontal and vertical reactions. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2630(h) (continued)

- 3) Mechanical drawings with specifications shall show the complete heating, cooling and ventilation systems; plumbing, drainage, stand pipe, and sprinkler systems. ~~(C)~~
- A) Heating, Cooling and Ventilation.
- i) Pumps, tanks, boilers and piping and boiler room accessories. ~~(C)~~
- ii) Air conditioning systems with required equipment, water and refrigerant piping, and ducts. ~~(C)~~
- iii) Supply and exhaust ventilating systems with connections and piping. ~~(C)~~
- iv) Air quantities for all rooms including supply and exhaust ventilating duct openings. ~~(C)~~
- B) Plumbing, Drainage and Stand Pipe Systems.
- i) Size and elevation of: street sewer, house sewer, house drains, street water main and water service into the building. ~~(C)~~
- ii) Location and size of soil, waste, and vent stacks with connections to house drains, cleanouts, fixtures and equipment. ~~(C)~~
- iii) Size and location of hot, cold and circulating mains, branches, and risers from the service entrance, and tanks. ~~(C)~~
- iv) Riser diagram of all plumbing stacks with vents, water risers and fixture connections. ~~(C)~~
- v) Fuel and similar piped systems. ~~(C)~~
- vi) Stand pipe and sprinkler systems. ~~(C)~~
- vii) All fixtures and equipment that require water and drain connections. ~~(C)~~
- 4) Electrical drawings shall show all electrical wiring, outlets, and equipment which require electrical connections.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2630(h)(4) (continued)

- A) Electrical service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections. ~~(C)~~
- B) Location of main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches. ~~(C)~~
- C) Light outlets, receptacles, switches, power outlets, and circuits. ~~(C)~~
- D) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the telephone company. Where public telephones are used for inter-communication, provide separate room and conduits for racks and automatic switching equipment as required by the telephone company. ~~(C)~~
- E) Fire alarm system with stations, signal devices, control board and wiring diagrams. ~~(C)~~
- F) Emergency electrical system with outlets, transfer switch, source of supply, feeders, and circuits. ~~(C)~~
- G) All other electrically operated systems and equipment. ~~(C)~~
- 5) When the project is an addition, details and information on the existing building shall be provided as follows:
- A) Type of activities within the existing building and distribution of existing beds, etc. ~~(C)~~
- B) Type of construction of existing building and number of stories in height. ~~(C)~~
- C) Plans and details showing attachment of new construction to the existing structure. ~~(C)~~
- D) Mechanical and Electrical systems showing connections to the existing system. ~~(C)~~
- E) The Department may require submission of drawings of all or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2630(h)(5)(E) (continued)

any part of the existing structure. ~~(C)~~

- 6) Specifications shall supplement the drawings and shall: Describe, except where fully indicated and described on the drawings, the materials, workmanship, kind, sizes, capacities, finishes, and other characteristics of all materials, products, articles and devices. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2640 Site

- a) The facility shall be located on a reasonably flat or rolling, well drained site that is not subject to flooding; reasonably free from sources of excessive noise, noxious or hazardous smoke or fumes; not in deteriorated, unpleasant, or potentially hazardous area; and not near uncontrolled sources of insect and rodent breeding. ~~(C)~~
- b) The facility shall be located so that the building or buildings can comply with all applicable local zoning ordinances, building restrictions and fire safety requirements. The Department may have additional requirements if the proposed locations of the building or buildings on the site would result in a hazard to or be detrimental to the health, welfare, or safety of the residents in the facility. ~~(C)~~
- c) The facility shall be located in or near a community which can provide the necessary supportive services for the home such as physician's services, social services, transportation, recreation, religious services, work, medical facilities, public utilities, or other acceptable substitutes; and be located on a well-maintained, all-weather road. In those instances where the community does not provide these services, the facility shall do so. ~~(C)~~
- d) The facility shall be served by a potable water supply with water pressure and volume that is acceptable to the Department. ~~(B-6)~~
- e) The distance from the fire station, the accessibility of the facility, and capability of the fire department must be approved in writing by the Office of the State Fire Marshal. ~~(B-6)~~
- f) The facility shall have at least one ~~(1)~~ municipal or private fire hydrant, located within ~~three hundred~~ ~~(300)~~ feet of every point on the perimeter of the building and satisfactory for use by the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2640(f) (continued)

equipment of the fire department serving the building, or have an acceptable equivalent. Additional hydrants may be required if needed to properly protect the residents from fire hazards. Evaluation and written approval must be obtained from the Office of the State Fire Marshal. ~~(B-6)~~

- g) Plans showing the proposed building location must be submitted to the Illinois Department of Transportation, Division of Water Resources to determine compliance with Regulation of Construction within the State Flood Plain (92 Ill. Adm. Code 706) and Executive Order 79-4(c).

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2650 Administration and Public Areas

- a) Facilities for the physically handicapped (public, staff and residents) shall be provided in administration and public areas as well as in resident areas. ~~(C)~~
- b) Lobby shall include a reception and information counter or desk, waiting space ~~(C)~~ and public telephones. See the Department's rules entitled "Illinois ~~State~~ Plumbing Code" (77 Ill. Adm. Code 890) for drinking fountain ~~(C)~~ and toilet facilities requirements for staff and visitors. ~~(C)~~
- c) General or Individual Office ~~(C)~~ shall have sufficient space to accommodate the following functions: Administrative, Business/Financial Transactions, Professional Staff (Food Service Supervisor, Activity Director, and Social Service Director ~~(C)~~), and Professional Consultants (Dietitian and Social Worker ~~(C)~~) ~~(C)~~
- d) Multipurpose room ~~(C)~~ shall be provided for conferences, meetings, interviews, and educational purposes. ~~(C)~~
- e) Provide adequate space for recording, reviewing and storing resident records. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2660 Nursing Unit

- a) The number of resident beds in a nursing unit shall not exceed ~~seventy-five~~ ~~(75)~~ beds. Not less than ~~sixty~~ ~~(60)~~ percent

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2660(a) (continued)

of the resident beds shall be in ~~one (1) or two (2)~~ bedrooms with one or two beds. ~~(C)~~

b) ~~Bedrooms~~ General Requirements for Bedrooms

- 1) Resident bedrooms shall have an entrance directly off a corridor with an entrance door which swings into the room. ~~(C)~~
- 2) Resident bedrooms shall have adequate and satisfactory artificial light and be equipped in accordance with Section ~~5~~ 350.2740(d) and (c).
- 3) Residents shall have access to a toilet room without entering the general corridor area. ~~(C)~~
- 4) Provide a closet or wardrobe of at least six ~~(6)~~ square feet for each resident. ~~(C)~~
- 5) Resident bedroom floor shall be at or above grade level. ~~(C)~~
- 6) Each room used as a resident bedroom shall have at least one ~~(1)~~ outside window, and a total window area to the outside equal to at least one-tenth ~~(1/10)~~ the floor area of the room. ~~(C)~~
- 7) No resident bedroom shall be located more than ~~one hundred twenty (120)~~ feet from the nurses' station, clean utility room, and soiled utility room. ~~(C)~~

c) Resident Bedrooms

- 1) Single resident bedroom shall contain at least ~~one hundred (100)~~ square feet. Multiple resident bedrooms shall contain at least ~~eighty (80)~~ square feet per bed. Minimum usable floor area shall be exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, vestibules, or clearly definable entryways. ~~(C)~~
- 2) Multiple resident bedrooms shall not have more than four ~~(4)~~ beds nor more than three ~~(3)~~ beds deep from an outside wall. All beds shall have a minimum clearance of three ~~(3)~~ feet at the foot and sides of the bed. ~~(C)~~

d) Special Care Room

- 1) Provide a special care room for each ~~one hundred fifty~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2660(d)(1) (continued)

~~(150)~~ beds. ~~(C)~~

- 2) Provide this room with a private toilet room containing water closet, lavatory, bathtub or shower and all other necessary facilities to meet the resident's needs. ~~(C)~~
 - 3) This room shall be located to allow direct visual supervision from the nurses' station. ~~(C)~~
 - 4) The room may be included in the authorized maximum bed capacity for the facility. It is permissible for the room to be occupied by a resident, not in need of special care, provided the resident is clearly informed and understands he will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care. ~~(C)~~
- e) Nurses' Station
- 1) Provide a minimum of one ~~(1)~~ station per floor with direct access to the corridor for each nursing unit. The location of this station shall allow visual control of each resident room served without the use of mirrors. Separation shall be provided from the utility rooms. ~~(B, C)~~
 - 2) Nurses' station shall provide space for charting and storage for administrative supplies; ~~(B, C)~~
 - 3) A lounge with toilet room shall be provided near each station for nursing staff. Lockers for safekeeping of coats and personal effects may be provided within this space or in a convenient central location. ~~(B, C)~~
- f) Bath and Toilet Rooms
- 1) The resident bedroom toilet room shall serve no more than two ~~(2)~~ resident rooms nor more than ~~eight (8)~~ beds. The toilet room shall contain a water closet and a lavatory. The lavatory may be omitted from the toilet room when the resident room contains a lavatory. ~~(C)~~
 - 2) Provide one ~~(1)~~ wheelchair resident toilet room for each sex residing in nursing unit. The room shall be accessible from the corridor. This room shall contain a water closet and lavatory. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2660(f) (continued)

- 3) A special wheelchair ~~wheelchair~~ resident toilet room ~~(f)~~ is ~~not required when all resident toilet rooms can accommodate wheelchair residents.~~
 - 4) Provide one ~~(1)~~ training toilet room on each nursing floor, that is accessible from the corridor. Provide three ~~(3)~~ foot clearance at the front and both sides of the water closet. This room shall contain a lavatory accessible for wheelchair use. ~~(G)~~
 - 5) Provide one ~~(1)~~ bathtub or shower for each ten ~~(10)~~ resident beds per nursing unit which are not served by bathing or showering facilities in resident room. ~~(G)~~
 - 6) All shower stalls for residents not needing assistance shall be at least three ~~(3)~~ feet square and shall have no curb. ~~(G)~~
 - 7) Provide at least one ~~(1)~~ bathtub for assisted bathing per nursing unit. There shall be a clear area at least three ~~(3)~~ feet wide at both sides and one end of the tub. ~~(G)~~
 - 8) Provide at least one ~~(1)~~ shower stall for assisted showering per nursing unit. The shower stall shall be at least four ~~(4)~~ feet square with no curb. ~~(G)~~
 - 9) Provide a toilet room with a water closet and lavatory, accessible to the assisted bathtub and shower without entering the general corridor. This room may be arranged to serve as the training toilet facility. ~~(G)~~
 - 10) Grouped bathing and toilet facilities shall be partitioned or curtained for privacy. ~~(G)~~
- g) Utility Rooms
- 1) Clean utility room shall have direct access to a corridor or access may be through the nurses' station entrance. This room shall contain work counters, single or double compartment sink with integral drainboard, storage cabinets, and an autoclave. (Autoclave may be waived in lieu of other methods if sterilization is approved by Department.) ~~(G)~~
 - 2) Clean linen storage room or closet within the clean utility room shall be provided. If a closed cart system is used, storage may be in an alcove. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2660(g) (continued)

- 3) Soiled utility room shall have direct access to a corridor. This room shall contain work counters, double compartment sink with integral drainboard, storage cabinets, a clinical rim flush sink, and sanitizer (See Section 350.2730(c)). ~~(G)~~
 - 4) The charging room for a linen chute shall be large enough to unload the collecting cart with the door closed. ~~(G)~~
 - h) Medicine station shall be provided for convenient and prompt ~~twenty-four (24)~~ hour distribution of medicine to residents. The medicine station shall be under the nursing staff's visual control and contain a work counter, refrigerator, and locked storage for biologicals and drugs. Provision for handwashing and medication purposes shall be provided in the medicine station. ~~(G)~~
 - i) Nourishment station shall be provided with a handwashing sink and equipment including refrigerator, and storage cabinets for serving nourishment between scheduled meals. Ice for residents' use shall be provided only by icemaker dispenser units. ~~(G)~~
 - j) Room for examination and treatment of residents shall be provided and shall have a minimum floor area of ~~one hundred (100)~~ square feet, excluding space for vestibule, closets and work counters (whether fixed or movable). The minimum room dimension shall be ten feet ~~(10)~~. The room shall contain a lavatory or sink equipped for handwashing; a work counter; storage facilities; and a desk, counter, or shelf space for writing. ~~(G)~~
 - k) Equipment storage rooms shall be provided for storage of equipment such as I.V. stands, inhalators, air mattresses, walkers, and wheelchairs ~~and etc.~~. ~~(G)~~
 - l) Parking space for wheelchairs shall be provided and located out of path of normal traffic. ~~(G)~~
- (Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)
- Section 350.2670 Dining, Living, Activities Rooms ~~(G)~~
- a) The combined area of these rooms shall not be less than ~~forty~~ ~~(40)~~ square feet per resident bed. ~~(G)~~
 - b) Provide a minimum of one ~~(1)~~ dining room with at least ten ~~(10)~~ square feet per resident bed. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2670 (continued)

- c) Provide a minimum of one ~~(1)~~ comfortably furnished living room on each floor in multiple story buildings having a total window area of at least one-tenth ~~(1/10)~~ the floor area. ~~(C)~~
- d) Provide activities room based on program requirements. This room ~~(s)~~ may be combined with the living ~~and/or~~ or dining room. ~~(C)~~
- e) Locate these rooms so that they are not an entrance vestibule from the outside. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2680 Therapy and Personal Care

- a) Physical and occupational therapy facilities shall be provided as required by the approved program. ~~(C)~~
- b) A separate room shall be provided with appropriate equipment for hair care and grooming needs of the residents. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2690 Service Departments

- a) Dietary facilities shall comply with the standards specified in the ~~State of Illinois Rules and Regulations for~~ Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750) ~~and the Food Service Sanitation Manual, Public Health Service No. 934.~~ Food service facilities shall be designed and equipped to meet the requirements of the Narrative Program. These may consist of an on-site conventional food preparing system, a convenience food service system, or an appropriate combination of the two. ~~(B-1-C)~~
- b) The kitchen consisting of food preparation, cooking, and serving areas, shall be approximately ten ~~(40)~~ square feet per resident bed with a minimum area of at least ~~two hundred (200)~~ square feet. It shall be properly located for efficient food service, and be large enough to accommodate the equipment and personnel needed to prepare and serve the number of meals required. ~~(B-1-C)~~

- c) The following facilities shall be provided as required to implement the type of food service selected:

Section 350.2690(c) (continued)

- 1) A control station shall be provided for receiving food supplies. ~~(C)~~
- 2) Storage space shall be adequate to provide normal and emergency supply needs, approximately two and one-half ~~(2 1/2)~~ square feet per patient bed, for bulk and daily food storage, located in a room convenient to the kitchen. ~~(C)~~
- 3) Food Preparation Facilities: Conventional food preparation systems required space and equipment for preparing, cooking, and baking. Convenience food service systems such as frozen prepared meals, bulk packaged entrees, and individual packaged portions, or systems using contractual commissary service require space and equipment for thawing, portioning, heating, cooking, or baking. ~~(C)~~
- 4) Handwashing facilities ~~facilities~~ shall be located in the food preparation area. ~~(C)~~
- 5) Residents' meal service facilities shall be provided as required for tray assembly and distribution. ~~(C)~~
- 6) Warewashing space shall be located in a room or an alcove separate from food preparation and serving areas. Commercial type dishwashing equipment shall be provided. Space shall also be provided for receiving, scraping, sorting, stacking and loading soiled tableware and for transferring clean tableware to the using areas. A handwashing lavatory shall be provided. ~~(B-1-C)~~
- 7) Potwashing facilities shall be located conveniently for washing and sanitizing cooking utensils. ~~(B-1-C)~~
- 8) Storage areas shall be provided for cans, carts, and mobile tray conveyors. ~~(C)~~
- 9) Waste storage facilities shall be located in a separate room easily accessible to the outside for direct pickup or disposal. ~~(C)~~
- 10) Office ~~(s)~~ or disk space ~~s~~ shall be provided for the dietitian ~~(s)~~ ~~and/or~~ or the dietary service manager. ~~(C)~~
- 11) Toilets shall be accessible to the dietary staff. Handwashing facilities shall be immediately available. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2690(c) (continued)

- 12) A janitors' closet for the exclusive use in food preparation areas shall be located within the dietary department. It shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies. ~~(C)~~
- 13) Self-dispensing icemaking facilities shall be provided. ~~(C)~~
- 14) Provide adequate can, cart and mobile tray washing facilities as required. ~~(C)~~
- d) Linen Service
 - 1) Provide a laundry room with commercial type equipment designed to meet the needs of the facility unless a commercial laundry service is used. ~~(C)~~
 - 2) The laundry facilities shall be designed to provide for the processing of linens from soiled linen receiving/sorting through washing, through drying, through clean linen inspection, folding and storage, maintaining a separation between soiled and clean functions. ~~(C)~~
 - 3) Provide for the storage of laundry supplies and carts. ~~(C)~~
 - 4) If washers and dryers are provided for personal use of residents, they shall be located in a room separate from the facility's laundry room. ~~(C)~~
- e) Housekeeping and Storage
 - 1) Sufficient janitor's closets shall be provided throughout the facility as required to maintain a clean and sanitary environment. Each shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies. Space ~~(C)~~ for large housekeeping equipment and for back-up supplies may be centrally located. ~~(C)~~
 - 2) Provide a total area of approximately ten ~~(10)~~ square feet per resident bed for the storage areas designated in this service department. This does not include closets or wardrobes in residents' rooms. Separate storage space with provisions for locking and security control shall be provided for residents' personal effects which are not kept in residents' bedrooms. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2690(e) (continued)

- 3) Provide storage rooms for maintenance supplies and yard equipment. ~~(C)~~
- (Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2700 General Building Requirements ~~Building General~~

a) Elevators

- 1) Have a minimum of one ~~(1)~~ elevator in all buildings of two ~~(2)~~ or more stories in height. The basement shall be considered as one ~~(1)~~ story if it is used by residents. ~~(C)~~
- 2) If ~~eighty~~ ~~(80)~~ to ~~two hundred~~ ~~(200)~~ beds are located above the first floor, at least one ~~(1)~~ additional elevator shall be provided. ~~(C)~~
- 3) For facilities with more than ~~two hundred~~ ~~(200)~~ beds, the number of elevators shall be determined from a study of the use requirements and the estimated vertical transportation requirements.
- 4) A minimum of one ~~(1)~~ car shall be of institutional type having inside dimensions that will accommodate a stretcher and attendants and shall be at least five feet ~~(5-0)~~ by seven feet, six inches ~~(7'-6")~~. The car door shall have a clear opening of not less than three feet, eight inches ~~(3'-8")~~. ~~(C)~~
- 5) Elevators shall be equipped with an automatic leveling device of the two-way automatic maintaining type. ~~(C)~~
- 6) Elevator controls, alarm buttons, and telephones shall be accessible to physically handicapped. Refer to Capital Development Board rules entitled "Illinois Accessibility Code" ~~Standards Illustrated~~ (71 Ill. Adm. Code 400). ~~(C)~~
- 7) Elevator call buttons, control and door safety stops shall be of a type that will not be activated by heat or smoke. (B)
- 8) Elevators, except freight elevators, shall be equipped with a two-way special service key operated switch to permit cars to bypass all landing button calls and be dispatched directly to

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2700(a)(8) (continued)

- any floor. (B, ~~C~~)
- 9) Fireman's emergency operations shall be furnished in accordance with American National Standards Institute Standard A17.1 Elevator Safety Code. (B)
- 10) Inspections and tests shall be made and written certification be furnished that the installation meets the requirements set forth in this section and all applicable safety regulations and codes. (B)
- b) Handrails and Grab Bars
- 1) Handrails shall be provided on both sides of all corridors and ramps used by residents. (B, ~~C~~)
 - 2) Handrails shall be provided on all sides of elevator cab not provided with a door. (B, ~~C~~)
 - 3) Handrails on stairs used by residents shall be provided on both sides of the stairs including the platforms and landings. (B)
 - 4) Handrail dimensions and detail shall conform to the ~~State of~~ rules of the Capital Development Board entitled "Illinois Accessibility Code" ~~Standards Illustrated~~ (71 Ill. Adm. Code 400). (B, ~~C~~)
 - 5) It is recommended that handrails be installed at a height of ~~thirty-two~~ ~~(32)~~ inches measured vertically from the floor surface.
 - 6) Grab bars shall be provided for all resident use toilets, showers, and tubs ~~, etc.~~. (B, ~~C~~)
 - 7) The ends of handrails and grab bars shall return to the wall. (B, ~~C~~)
- c) Ceiling Heights
- 1) All rooms occupied or used by residents shall have ceilings not less than eight ~~(8)~~ feet. ~~(C)~~
 - 2) Corridors, storage rooms, toilet rooms and other minor rooms shall have ceilings not less than seven ~~(7)~~ feet eight ~~(8)~~ inches. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2700(c) (continued)

- 3) Suspended tracks, rails and pipes located in the path of traffic shall be not less than six ~~(6)~~ feet eight ~~(8)~~ inches above the floor. ~~(C)~~
 - 4) Boiler room shall have ceiling clearances not less than two ~~(2)~~ feet six ~~(6)~~ inches above the main boiler header and connecting piping. ~~(C)~~
- d) Doors and Windows
- 1) Main entrance and all exit doors shall swing outward and be provided with door closers and panic hardware. (B, ~~C~~)
 - 2) All exterior doors shall be equipped with a signal that will alert the staff if a patient leaves the building. Any exterior door that is supervised during certain periods may have a disconnect device for part-time use. If there is constant ~~twenty-four~~ ~~(24)~~ hour a day supervision of the door, a signal is not required. (B, ~~C~~)
 - 3) Locks installed on resident bedroom doors shall be so arranged that they can be quickly and easily unlocked from the corridor side. All such locks shall be arranged to permit exit from the room by a simple operation without the use of a key. The door may be lockable by the occupant if the door can be unlocked from the corridor side and keys are carried by staff at all times. (B, ~~C~~)
 - 4) Resident toilet rooms shall open directly into a corridor or into a resident bedroom. (B, ~~C~~)
 - 5) The doors for the toilet rooms used by residents shall have a minimum door width of three ~~(3)~~ feet. (B, ~~C~~)
 - 6) No toilet or bathroom door shall be provided with hardware which could allow a resident to become locked in the room. All toilet or bathroom doors and hardware shall be designed to permit emergency ingress to the room. (B, ~~C~~)
 - 7) Doors and windows shall fit snugly and be weather tight, yet open and close easily. ~~(C)~~
 - 8) Outside doors, other than required exits, and operable windows shall be equipped with tight-fitting, ~~sixteen~~ ~~(16)~~ mesh screens. Screen doors shall be equipped with self-closing

Section 350.2700(d)(8) (continued)

devices. ~~(C)~~

- 9) All doors to resident sleeping rooms shall be provided with automatic closers actuated by smoke detectors in the resident room. The doors shall normally be free swinging in the open and close directions, and be designed so they will remain in any position except when they are actuated by the detector. They shall then close gently and shall latch when closed. When so actuated they shall automatically close again if opened manually. Each door shall be equipped with a light mounted on the wall adjacent to the door. The light shall illuminate if the door has been closed as a result of the actuation of the controlling smoke detector. Each door closer will be activated only when its own detector annunciates a fire. In addition, a centrally located monitor shall contain signals which identify the resident room in which the smoke detector has signaled the alarm. The system shall be wired into the fire alarm system. ~~(B)(6)~~

e) Floors

- 1) Floors shall be smooth, free from cracks and finished so that they can be easily and properly cleaned. Floors shall be covered wall to wall with water resistant material in wet areas including but not limited to bathrooms, kitchen, utility rooms. ~~(B)(6)~~
- 2) Thresholds and expansion joints shall be flush with the floor to facilitate use of wheelchairs and carts. ~~(C)~~

f) Mirrors shall be installed above all lavatories except handwashing lavatories in food preparation areas, or in clean and sterile supply areas or at nurses handwashing sink. ~~(C)~~g) Provide paper towel dispensers and waste receptacles or electric hand dryers at all lavatories. ~~(C)~~h) Rooms containing heat-producing equipment (such as boiler or heater rooms and laundry rooms) shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of ~~10~~ ten degrees Fahrenheit above the ambient room temperature. ~~(C)~~

i) Sound Transmission Limitation

- 1) Recreation rooms and exercise rooms, and similar spaces where

Section 350.2700(i)(1) (continued)

impact noises may be generated, shall not be located directly over resident bed areas unless special provisions are made to minimize such noise. ~~(C)~~

- 2) Sound transmission limitations shown in Table A shall apply to partitions, floors, and ceiling construction in resident areas. ~~(C)~~

j) Materials used for wall and door construction shall be highly resistant to impact damage. ~~(C)~~

k) Interior Finishes, Fire Extinguishers and Miscellaneous

- 1) Interior finish flame spread ratings shall be in accordance with the National Fire Protection Association, Life Safety Code Standard 101, Standards for Flame Spread and Smoke Emission Ratings. (B)

- 2) There shall be at least one ~~(1)~~ approved fire extinguisher in all basements, furnace rooms, and kitchens, laundry rooms and beauty shops. In addition, there shall be on each floor of the building, extinguishers located so a person will not have to travel more than ~~fifty~~ ~~(50)~~ feet from any point to reach one. They shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher. ~~(B)(6)~~

- 3) Approved containers with proper covers shall be provided for daily storage of rubbish. ~~(B)(6)~~

- 4) Housekeeping throughout the building, including basements, attics, and unoccupied rooms shall be adequately performed to minimize all fire hazards. ~~(B)(6)~~

- 5) Comply with any reasonable additional fire protection measures recommended by the Department over and above these requirements or the Office of the State Fire Marshal if conditions in and around building, including its location, indicate that such additional protection is needed. ~~(B)(6)~~

- 1) Have no other business not related to health care conducted in the building that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and shall have a separate entrance. ~~(A, B)(6)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2710 Structural

a) ~~Design Data~~ General Structural Requirements

- 1) The buildings and all parts thereof shall be of sufficient strength to support all dead, live, and lateral loads without exceeding the working stresses permitted for the materials of their construction in generally accepted good engineering practice. (B-~~G~~-)
- 2) Special provision shall be made for loads which have a greater load than the specified minimum live load, including partitions which are subject to change of location. (B-~~G~~-)
- b) Construction shall be in accordance with the requirements of National Fire Protection Association Standard 101, Life Safety Code, and the minimum requirements contained herein. (A, B-~~G~~-)
 - 1) Foundations shall rest on natural solid ground and shall be carried to a depth of not less than one ~~(1)~~ foot below the estimated frost line or shall rest on leveled rock or load-bearing piles or caissons when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. ~~(G)~~ It is recommended that soil test borings be taken to establish proper soil-bearing values for the soil at the building site.
 - 2) Assumed live loads shall be in accordance with the International Conference Buildings Officials Uniform Building Code.
 - 3) The fire resistance rating of the structural members shall be as established by National Fire Protection Association 220 Standard Types of Building Construction.
- c) Provisions for Natural Disasters (B-~~G~~-)
 - 1) Earthquakes: In regions where local experience shows that earthquakes have caused loss of life or extensive property damage, buildings and structures shall be designed to withstand the force assumptions specified in the International Conference Buildings Officials Uniform Building Code. Seismic zones are identified on the map found in Appendix C. (B-~~G~~-)
 - 2) Tornadoes and Floods: Special provisions shall be made in the design of buildings including structural design, in regions where local experience shows loss of life or damage to buildings

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2710(c)(2) (continued)

resulting from hurricanes, tornadoes, or floods. (B-~~G~~-)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2720 Mechanical Systems

- a) ~~General~~ Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of these standards. ~~(G)~~
 - 2) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, parts list with numbers and descriptions for each piece of equipment and a copy of the air-balance report. A complete set of these documents shall be kept on the premises. ~~(G)~~
 - 3) The owner shall be provided with instructions in the operational use of the systems and equipment as required. ~~(G)~~
- b) Thermal and Acoustical Insulation
 - 1) Insulation shall be provided for the following:
 - 2) Boilers, smoke breaching, and stacks. ~~(G)~~
 - 3) Steam supply and condensate return piping. (B-~~G~~-)
 - 4) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters. ~~(G)~~
 - 5) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents. (B)
 - 6) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point. ~~(G)~~
 - 7) Water supply and drainage piping on which condensate may occur. ~~(G)~~
 - 8) Air ducts and casings with outside surface temperatures below ambient dew point. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2720(b) (continued)

- 9) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system. ~~(C)~~
- 10) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive system heat loss or excessive heat gain.
- A) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of ~~twenty-five (25)~~ or less and a smoke developed rating of ~~one hundred fifty (150)~~ or less as determined by an independent testing laboratory in accordance with American Society Testing Materials Standard E84. Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building, or do not penetrate a wall or roof or do not create an exposure hazard. ~~(B)~~
- B) Access for filter changing shall be provided within equipment rooms. ~~(C)~~

c) Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends. ~~(C)~~

d) Heating, Cooling, and Ventilating Systems

- 1) A design temperature of 75 degrees Fahrenheit for both summer and winter design conditions shall be provided for all resident use areas including corridors. ~~(C)~~
- 2) All ventilation supply, return and exhaust systems shall be mechanically operated. ~~(C)~~
- 3) Outdoor air intakes shall be located as far as practical, but not less than ~~fifteen (15)~~ feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems shall be located as high as practical, but not less than six ~~(6)~~ feet above ground level, or if

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2720(d)(3) (continued)

- installed above the roof, three ~~(3)~~ feet above roof level. ~~(C)~~
- 4) The ventilation systems shall be designed and balanced to provide the pressure relationships and ventilation rates as shown in Table B. ~~(B, C)~~
- 5) A manometer shall be installed across each filter bed serving central air systems. ~~(C)~~
- 6) Air conditioning and ventilation systems shall be designed, installed and maintained as required by National Fire Protection Association Standard 90A. ~~(A, B, C)~~
- 7) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall be in conformance with National Fire Protection Association Standard 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed Underwriter's Laboratory or other independent testing laboratories. ~~(A, B, C)~~
- 8) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperature to 97 degrees Fahrenheit. Effective Temperature as defined by American Society Heating Refrigeration engineers Handbook of Fundamentals. ~~(A, B, C)~~
- 9) Rooms containing heat production equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of ~~10~~ ten degrees Fahrenheit above the ambient room temperature. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2730 Plumbing Systems

- a) ~~General~~ All plumbing systems shall be designed and installed in accordance with the requirements of the Department's rules entitled

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2730(a) (continued)

"Illinois Plumbing Code" (77 Ill. Adm. Code 890) except that the number of resident required water closets, lavatories, bathtubs, showers, and other fixtures shall be as required by these standards and the facility program. (B, ~~C~~)

b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials.
- 2) The water supply spout for lavatories and sinks required for filling pitchers, for nursing staff and food handlers' handwashing, shall be mounted so that its discharge point is a minimum distance of five ~~(5)~~ inches above the rim of the fixture. (B, ~~C~~)
- 3) Handwashing lavatories used by nursing staff and food handlers shall be trimmed with valves which can be operated without the use of hands. When blade handles are used for this purpose, the blade handles shall not exceed four and one-half ~~(4 1/2)~~ inches in length, except the handles on clinical sinks shall not be less than six ~~(6)~~ inches in length. ~~(C)~~
- 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface. ~~(C)~~
- 5) The potwashing sink shall be a three ~~(3)~~ compartment sink with one compartment at least ~~fourteen (14)~~ inches deep. ~~(C)~~
- 6) Shower bases and tub bottoms shall be provided with nonslip surfaces. (B, ~~C~~)

c) Water Supply Systems

- 1) Water supply systems shall be designed to supply water at sufficient pressure and volume to operate all fixtures and equipment during maximum demand periods. ~~(C)~~
- 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture. ~~(C)~~
- 3) Flush valves installed on plumbing fixtures shall be of a quiet

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2730(c) (3) (continued)

operating type, equipped with silencers. ~~(C)~~

- 4) Hot water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. (B, ~~C~~)
- 5) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B, ~~C~~)
- 6) Each hot water system serving resident areas shall include at least one of the following equipment requirements to insure that the water temperature does not exceed 110 degrees Fahrenheit:
 - A) A thermostatically controlled mixing ~~missing~~ valve, or ~~shall be provided on each hot water system serving resident areas to insure that the water temperature does not exceed 110 degrees Fahrenheit.~~
 - B) An aquastat which limits the water temperature in the water heater to a maximum temperature of 110 degrees Fahrenheit and a solenoid operated shut off valve activated by a sensing element in the water line which shuts off the water and activates an alarm at the nurses station when the water temperature exceeds 110 degrees Fahrenheit. (A, B, ~~C~~)

d) Hot Water Heaters and Tanks

1) Capacity and Temperature Requirements

- A) The hot water heating equipment shall have sufficient capacity to supply water at the temperature and quantities in the following areas: ~~(C)~~

	Resident Service	Dietary	Laundry
gallons/hour/bed	6 1/2	4	4 1/2
Temperature of (degrees Fahrenheit)	110	140*	180

*180 ~~of~~ degree Fahrenheit water is required at dishwasher and pot and pan sink.

- B) Water temperatures to be taken at the point of use or discharge of the hot water or inlet to processing equipment. ~~(C)~~

Section 350.2730(d) (continued)

- 2) Water storage tanks shall be fabricated of corrosion resistant metal or lined with non-corrosive material. ~~(C)~~

e) Drainage Systems. Insofar as possible drainage piping shall not be installed above the ceiling nor installed in an exposed location in food preparation centers, food serving facilities, food storage areas, and other critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from necessary overhead piping systems. (B-~~C~~)

f) Fire Extinguishing Systems

- 1) A complete automatic sprinkler system shall be installed throughout all facilities regardless of construction type. (A, B-~~C~~)
- 2) All sprinkler and other fire extinguishing systems shall be designed and installed in accordance with National Fire Protection Association Standard 101 and referenced codes. (A, B-~~C~~)
- 3) All sprinkler systems shall be maintained in accordance with National Fire Protection Association Standard 13A. (A, B-~~C~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2740 Electrical Systems

a) General Electrical System Requirements

- 1) All material including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities required by these standards. All materials shall be listed as complying with available standards of Underwriters' Laboratories, Inc. or other similarly established standards. (B-~~C~~)
- 2) All electrical installations and systems shall be tested to show that the equipment is installed and operates as planned or specified and be in accordance with these standards. (A, B-~~C~~)
- 3) The installation shall meet all the requirements of the latest

Section 350.2740(a)(3) (continued)

"National Electrical Code." (A, B-~~C~~)

b) Switchboards and Power Panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboards and panelboards shall be enclosed or guarded to provide a dead-front type of assembly. The main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space free of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in ambient temperature conditions. ~~(C)~~

c) Panelboards. Panelboards serving lighting and appliance circuits shall be located on the same floor as the circuits they serve. This requirement does not apply to emergency system circuits. ~~(C)~~

d) Lighting

- 1) All spaces occupied by people, machinery, and equipment within buildings, approaches to and exits from buildings, and parking lots shall have lighting. ~~(C)~~
- 2) Resident's rooms shall have general lighting. A vandal-proof reading light shall be provided for each resident. At least one light fixture shall be switched at the entrance to each resident room. All switches for control of lighting in resident's sleeping areas shall be of the quiet operating type. ~~(C)~~

e) Receptacles (Convenience Outlets)

- 1) Each resident bed room shall have duplex grounding type receptacles as follows: One located each side of the head of each bed; one for television if used; and one on another wall. Receptacles are to be located between ~~twelve~~ ~~(12)~~ to ~~thirty~~ ~~(30)~~ inches above the finished floor. (B-~~C~~)
- 2) Resident bathrooms shall have at least one ~~(1)~~ duplex receptacle. ~~(C)~~
- 3) See Article 517 of National Fire Protection Association Standard 70 for grounding requirements.
- 4) Duplex receptacles shall be installed approximately 50 ~~thirty~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2740(e)(4) (continued)

feet ~~(50'-0")~~ apart in all corridors and within 25
~~twenty-five~~ feet ~~(25'-0")~~ of ends of corridors. ~~(C)~~

- f) Door Alarm System. Each exterior door shall be equipped with a signal that will alert staff if a resident leaves the building. Any exterior door that is supervised during certain periods may have a disconnect device for part-time use. If there is constant ~~twenty-four~~ ~~(24)~~ hours a day supervision of the door, a signal is not required. ~~(B-1-G)~~

g) Fire Alarm System

- 1) A manually and automatically operated fire alarm system shall be installed. ~~(A, B-1-G)~~
- 2) Automatic smoke detectors shall be installed in all resident sleeping rooms and at ~~thirty~~ ~~(30)~~ feet on center in all corridors other than sleeping area corridors. ~~(A, B-1-G)~~

h) Emergency Electrical System

- 1) To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power. The emergency system shall consist of the life safety branch and the critical branch. ~~(B-1-G)~~
- 2) The source of this emergency electrical service shall be an emergency generating set or an approved dual source of normal power. ~~(B-1-G)~~
- 3) Life Safety Branch, Automatic Transfer Ten ~~(10)~~ Seconds.
- A) Illumination of means of egress as necessary for corridors, passageways, stairways, landings and exit doors, and all ways of approach to and through exits. ~~(A, B-1-G)~~
- B) Exit signs and exit directional signs. ~~(A, B-1-G)~~
- C) Sufficient lighting in dining room and recreation areas to provide illumination to exit ways. ~~(A, B-1-G)~~
- D) Fire alarms activated at manual stations, by electric water flow alarm devices in connection with sprinkler systems,

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2740(h)(3)(D) (continued)

and by all automatic detection systems. ~~(A, B-1-G)~~

- E) Communication systems, where these are used for issuing instructions during emergency conditions. ~~(A, B-1-G)~~
- F) Task illumination, and selected receptacles at the generator set location. ~~(B-1-G)~~
- 4) Critical Branch, Automatic Transfer - ~~10~~ Ten Seconds
- A) Task illumination and selected receptacles in the nurse's station including the medication preparation area. ~~(B-1-G)~~
- B) Sump pumps and other equipment required to operate for the safety of major apparatus including associated control systems and alarms. ~~(B-1-G)~~
- C) Elevator cab lighting and communication systems. ~~(B-1-G)~~
- 5) Critical Branch, Automatic or Manual Systems. Heating equipment to provide heating for patient rooms. EXCEPTION: Where the facility is served by two ~~(2)~~ or more electrical services supplied from separate generators or a utility distribution network having multiple power input sources and arranged to provide mechanical and electrical separation so that a fault between the facility and the generating sources is not likely to cause an interruption of more than one of the facility service feeders. ~~(B-1-G)~~

6) Details

- A) The life safety and critical branch shall be in operation within ten ~~(10)~~ seconds after the interruption of normal electric power supply. ~~(B-1-G)~~
- B) Receptacles connected to emergency power shall be distinctively marked. ~~(B-1-G)~~
- C) The emergency generator shall not be solely dependent upon a public utility gas system for the fuel supply. Means shall be provided for automatically transferring from one fuel supply to another where dual fuel supplies are used. ~~(B-1-G)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2740(h)(6) (continued)

- D) Where fuel storage facilities are provided on the site, the fuel tank shall have minimum capacity for ~~twenty-four~~ (24) hour operation of the generator. (B-~~6~~-)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section 350.2910 Applicability

- a) ~~This Subpart N applies. These standards shall apply to all existing Long-Term Care Facilities and all minor alterations or remodeling changes to existing facilities. See Section 350.2610(b) for New Construction and Major Additions and Alterations. Minor alterations or remodeling changes which do not affect the structural integrity of the building, which do not change functional operations, which do not affect fire safety, and which do not add beds or facilities over those for which the Long-Term Care Facility is licensed need not be submitted for drawing approval. However, the Health Facilities Planning Board Requirements must be met for all alteration and remodeling projects.~~

- b) Sheltered Care Facilities having architectural drawings and specifications, or the building, first approved by the Department for licensure after October 1, 1974, must meet the applicable requirements of Subpart M to convert to an Intermediate Care Facility for the Developmentally Disabled.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2920 Codes and Standards

- a) Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances and regulations which are enforced by city ~~city, county or other local jurisdictions.~~ (B-~~6~~-)
- b) The 1981 Edition of the National Fire Protection Association (NFPA) Standard No. 101, Life Safety Code for existing structures and all appropriate references under Appendix "B" of that Code, but no subsequently amended edition of the Code, shall apply to and become a part of these standards. Pursuant to the Medicare-Medicaid certification requirements of 42 CFR 442.507(c) (1983), but no

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2920(b) (continued)

subsequently amended editions of these Federal regulations, any facility that on November 26, 1982, complied with the requirements of the 1967 edition of the Life Safety Code, rather than the 1981 edition of the Life Safety Code, will be accepted by the Department for licensure and certification as long as the facility continues to remain in compliance with the 1967 edition of the Code. (A, B-~~6~~-)

- c) The following exceptions to the 1967 Life Safety Code have been established by the Department:

- 1) Facilities shall be of the ~~following~~ heights and construction types with sprinkler requirements identified in the Table C~~2~~ 1. (B-~~6~~-)
- 2) Dead-end corridors greater than ~~fifty~~ (50) feet in length shall be altered so that exits are accessible in at least two ~~(2)~~ directions from all points in aisles, passageways, and corridors. (B-~~6~~-)
- 3) Exit discharge doors and resident sleeping doors must be at least 34 inches in width. Width required is the width of the door leaf. ~~(6)~~
- 4) All corridors shall be at least four ~~(4)~~ feet wide. ~~(6)~~
- d) The following equivalencies have been established by the Department:
 - 1) Where corridor partition walls are not continuous from the floor slab to the underside of the floor or roof slab above, through any concealed spaces such as those above the suspended ceilings and through interstitial structural and mechanical spaces, the following equivalencies are permitted: (B-~~6~~-)

A) A membrane ceiling which may be lath and plaster or drywall or a lay-in ceiling with all tiles clipped down and with all clips remaining in place, or with all the tiles weighing at least one ~~(1)~~ pound per square foot. The ceiling may be suspended but it must be constructed continually from exterior wall to exterior wall and must be part of a one ~~(1)~~ hour rated assembly. All recessed lights, all duct outlets and all speaker outlets, etc., must be properly protected in accordance with Code. Plenums are not allowed unless each outlet is properly protected. This concept is applicable only to ~~2~~ two-hour fire resistive and ~~1~~ one-hour protected

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTSDEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2920(d)(1)(A) (continued)

noncombustible construction.

- B) A membrane ceiling of at least a one ~~(1)~~ ^{5/8} hour rating (such as two layers of ~~5/8~~ ^{5/8} five-eighths inch Fire Code drywall) is acceptable for noncombustible, one ~~(1)~~ ¹ hour protected ordinary, ordinary, one ~~(1)~~ ¹ hour protected wood frame, wood frame and heavy timber construction.
- C) Corridor walls need not run up in ~~2~~ ¹ two-hour fire resistive and ~~1~~ ¹ one-hour protected noncombustible construction if ~~automatic~~ ^{automatic} sprinklers are installed throughout.
- D) Smoke detectors may be used in lieu of continuous corridor wall construction all building construction types which are equipped throughout with an automatic extinguishment system required by these Standards. Automatic heat detectors, in lieu of automatic smoke detectors, may be installed in kitchens, laundry rooms, boiler-furnace rooms and attic spaces.
- 2) This equivalency is applicable only to those facilities which are in conformance with these requirements on the date of promulgation of these standards and only if the facility remains in conformance. The equivalency is applicable to facilities with nonconforming construction type. The following requirements must be met for facilities four stories or more in height of protected ordinary construction. ~~(C)~~

- A) The fire resistance rating of all structural members must meet the two-hour fire resistive classification of NFPA 220, Standard Types of Building Construction, dated May, 1961, except that floor and roof framing members and nonbearing walls may be of combustible construction.
- B) Smoke detectors must be installed in all resident rooms, corridors, living areas, day rooms and in all hazardous and severely hazardous areas throughout the facility. However, automatic heat detectors may be installed, in lieu of automatic smoke detectors, in kitchens, laundry rooms, boiler-furnace rooms and attic spaces (places where smoke, dust ~~and/or~~ and humidity sometimes activate smoke alarms, when no fire is present, resulting in false fire alarms), if the facility chooses to do so for the purpose of reducing the number of false fire alarms. A zone readout

Section 350.2920(d)(2)(B) (continued)

identifying areas involved in a fire must be provided.

- C) All electrical systems shall meet the National Electrical Code in effect at the time of acceptance of the facility.
- D) Facility shall establish and enforce written procedures to prohibit smoking in resident sleeping rooms and corridors. Smoking is permitted only in controlled areas.
- E) A complete automatic extinguishment system shall be installed throughout the facility.
- F) All health survey deficiencies must be corrected.
- G) The physically handicapped residents shall be housed on the lowest sleeping room floor and ambulant residents may be housed on any floor.
- H) Complete smoke barriers including one-hour rated walls and ~~1-3/4~~ ¹ one and three-quarters inch thick solid core wood corridor doors with closers shall be installed as directed by the Department.
- e) The following rules ~~codes~~ ^{codes} which were effective at the date of approval by the Department of the final drawings and specifications or the final inspection of the building apply: (B-~~6~~ ⁶)
 - 1) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health ~~State of Illinois Environmental Health Protection~~
 - 2) Illinois Accessibility Code ~~Standards Illustrated~~ (71 Ill. Adm. Code 400), ~~State of Illinois~~ Capital Development Board
 - 3) Fire Prevention and Safety (41 Ill. Adm. Code 100), ~~State of Illinois~~ Office of the State Fire Marshal
 - 4) Food Service Sanitation (77 Ill. Adm. Code 750), ~~State of Illinois~~ Department of Public Health ~~Environmental Health Protection~~
 - 5) ~~Boiler Safety Act and~~ ^{Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120),} ~~Rules and Regulations~~ ^{State of Illinois} Office of the State Fire Marshal

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2920(e) (continued)

- ~~(6) State of Illinois, Safety Glazing Materials Act, 1971
State of Illinois Department of Labor~~
- f) ~~7)~~ The requirements in this Part ~~these IDPH Standards govern in cases of differences between this Part these IDPH Standards and the rules Codes and Standards listed in this Section before (B, C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2930 Preparation of Drawings and Specifications

Drawings and specifications which are prepared for work which is required by this Part ~~these Standards~~ shall be prepared in accordance with Section 350.2630 ~~52-03-00-00 of the Construction Standards for New Facilities~~.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2940 Site

- a) Each facility shall comply with all applicable zoning ordinance and be located on a reasonably flat or rolling, well-drained site that is: not subject to flooding; reasonably free from sources of excessive noise, noxious or hazardous smoke or fumes; not in a deteriorated, unpleasant, or potentially hazardous area; and not near uncontrolled sources of insect and rodent breeding. ~~(C)~~
- b) Each facility shall be located in or near a community which can provide the necessary supportive services for the facility such as physicians' services, social services, transportation, recreational services, religious services, work, medical facilities, public utilities, or other acceptable substitutes; and be located on a well-maintained, all-weather road. ~~(C)~~
- c) Each facility shall be served by a potable water supply with water pressure and volume that is acceptable to this Department. ~~(C)~~
- d) Each facility shall have at least one ~~(1)~~ municipal or private fire hydrant, located within ~~three hundred (300)~~ feet of the building and satisfactory for use by the equipment of the fire department serving the building, or have an acceptable equivalent.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.2940(d) (continued)

Additional hydrants may be required if needed to properly protect the residents from fire hazards. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2950 Administration and Public Areas

- a) Facilities for the physically handicapped (public, staff and residents) shall be provided in administration and public areas as well as in resident areas. ~~(C)~~
- b) Each facility shall be provided with sufficient administrative office space for clerical, financial, and managerial functions and provide satisfactory space which can be used for privacy in interviewing applicants, for discussion with relatives, and other necessary functions. ~~etc. (C)~~
- c) Each facility shall be provided with satisfactory space or an office for the administrator. ~~(C)~~

- d) Each facility shall be served by reliable telephone service. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2960 Nursing Unit

a) General Requirements for Bedrooms

- 1) Resident bedrooms shall have an entrance directly off a corridor with an entrance door that swings into the room. ~~Resident bedrooms shall have an entrance directly off a corridor with an entrance door that swings into the room.~~ Rooms used as bedrooms and included in the licensed capacity as of December 24, 1987, which do not open directly into corridors but instead open into large living/dining/activity areas, are exempt from this rule. However, no additional such rooms will be permitted to be established after December 24, 1987. ~~(C)~~

- 2) Resident bedroom shall have adequate and satisfactory artificial light and be equipped in accordance with Section 350.3040(c)(2) and (d).

- 3) Resident toilet rooms shall open directly into a corridor or

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2960(a)(3) (continued)

into a resident's bedroom. (B—~~C~~—)

- 4) A closet or wardrobe at least six ~~(6)~~ square feet shall be provided for each resident. ~~(C)~~
- 5) Each bedroom floor shall be no more than three ~~(3)~~ feet below the adjacent ground level. ~~(C)~~
- 6) Each room used as a resident bedroom shall have at least one ~~(1)~~ outside window, and a total window area to the outside equal to at least one-tenth ~~(1/10)~~ the floor area of the room. ~~(C)~~

b) Resident Bedrooms

- 1) Each single ~~Single~~ resident bedroom shall contain at least 100 square feet. Each ~~multiple~~ ~~Multiple~~ resident bedroom shall contain at least 80 square feet per bed. Multiple bedrooms of not less than 70 square feet per bed may be approved by the Department if services can be provided. Minimum usable floor area shall be exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, vestibules, or clearly definable entryways. Those bedrooms for which facilities had waivers to this subsection (b)(1) on (and continuously since) December 24, 1987, and which have at least 90 square feet for single bedrooms and 70 square feet per bed for multi-bedrooms, are exempt from this subsection (b)(1). Those bedrooms for which facilities had waivers to this subsection (b)(1) on (and continuously since) December 24, 1987, but which have less than 90 square feet for single bedrooms and 70 square feet per bed for multi-bedrooms, continue to be subject to waiver procedures on an annual basis (See Section 350.320). ~~(C)~~

- 2) Maximum room capacity shall be four ~~(4)~~ residents. Beds shall be at least three ~~(3)~~ feet apart and no more than three ~~(3)~~ feet deep from an outside wall. There shall be a minimum of ten ~~(10)~~ feet between walls or a wall and any built in furniture or storage space. ~~These facilities which had waivers to this rule as of December 24, 1987, and which have at least 90 square feet for single bedrooms and 70 square feet for multi-bedrooms are exempt from this rule. Those facilities which had waivers as of December 24, 1987, but have less than 90 square feet for single bedrooms and 70 square feet for multi-bedrooms must continue to apply for a waiver on an annual basis.~~ ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.2960 (continued)

c) Special Care Room

- 1) Provide a special care room for each ~~one hundred fifty~~ ~~(150)~~ beds. ~~(C)~~
- 2) Provide this room with a toilet lavatory and all other necessary facilities to meet the resident's needs and as required to care for an ill resident. ~~(C)~~
- 3) This room shall be located to provide proper and efficient supervision of the resident by the nursing staff. ~~(C)~~
- 4) The room may be included in the authorized maximum bed capacity for the facility. It is permissible for the room to be occupied by a resident, not in need of special care, provided the resident is clearly informed and understands he will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care.

d) Nurses' Station

- 1) Provide a minimum of one ~~(1)~~ nurses' station on each floor. The station shall have direct access to a corridor, shall be located near the area it will serve, and shall be designed to provide visual control of the area. It shall be separated satisfactorily from the nurses' utility rooms. In Intermediate Care Facilities for the Developmentally Disabled one ~~(1)~~ nurses' station serving two ~~(2)~~ floors housing residents is acceptable if there are less than ~~fifteen (15)~~ beds on an adjacent floor which are served by the nurses' station. (B—~~C~~—)
 - 2) At least one ~~(1)~~ nurses' station shall have a medicine sink with hot and cold running water, a work counter, a medicine cabinet, and necessary equipment and furnishings. ~~(C)~~
 - 3) Provide a nurses' toilet and handwashing sink convenient to the nurses' station. ~~(C)~~
- e) Bath and Toilet Rooms
- 1) The maximum capacity of resident beds on each floor shall be used to determine the number of fixtures required even though some of the beds are not occupied.

Section 350.2960(e)(1) (continued)

- A) Provide a minimum of one ~~(1)~~ water closet, one ~~(1)~~ lavatory, and one ~~(1)~~ bathtub or shower for each sex on each floor occupied by residents. ~~(6)~~
- B) Provide a minimum of one ~~(1)~~ lavatory and one ~~(1)~~ water closet for each ten ~~(10)~~ resident beds on each floor. ~~(6)~~
- C) Provide a minimum of one ~~(1)~~ bathtub or shower for each ~~fifteen (15)~~ resident beds on each floor. ~~(6)~~
- D) Each lavatory shall be provided with well illuminated mirror. ~~(6)~~

2) All bath and toilet rooms shall be easily accessible, and conveniently located. Group bath and toilet facilities shall be partitioned or curtained for privacy. ~~(6)~~

3) All showers, other than those for residents needing assistance in bathing, shall have minimum dimensions of three ~~(3)~~ feet by three ~~(3)~~ feet. ~~(6)~~

4) Shower stalls shall have a low or no curb at the entrance opening. Under certain circumstances this may be waived but in no instances can the curb be higher than three ~~(3)~~ inches. ~~(6)~~

5) If toilet rooms provide adjacent to residents' bedrooms are not large enough to permit use by wheelchair residents, at least one ~~(1)~~ toilet room or enclosure measuring five ~~(5)~~ feet by six ~~(6)~~ feet shall be provided on each floor housing residents. Provide a lavatory usable by wheelchair residents in this room. ~~(6)~~

6) Provide on each floor at least one ~~(1)~~ bathing facility or enclosure of not less than eight ~~(8)~~ feet six ~~(6)~~ inches by eight ~~(8)~~ feet six ~~(6)~~ inches with an acceptable system for assistance in bathing persons with physical disabilities. If a shower is installed instead of a bathtub, such shower shall have a minimum dimension of four ~~(4)~~ feet wide by three ~~(3)~~ feet six ~~(6)~~ inches deep. These showers shall have a water inlet to which is connected a flexible hose with spray or shower head attached to the end of the hose. If desired, a

Section 350.2960(e)(6) (continued)

conventional shower head installation may also be provided but it must be valved off from the lower water inlet. ~~(6)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2970 Living, Dining, Activities Rooms

a) Provide at least one ~~(1)~~ comfortably furnished living room and dining room for use of residents. ~~(6)~~

1) The room ~~(s)~~ shall be an outside room ~~(s)~~. Their combined areas shall be not less than ~~forty (40)~~ square feet per resident bed. ~~(6)~~

2) The dining room shall be sufficient in area to allow for proper and comfortable service for the residents. ~~(6)~~

3) Be located so that the room is not an entrance vestibule from the out-of-doors.

4) The furniture shall be arranged so that it is not an obstruction to traffic in or out of the facility. ~~(6)~~

b) The activity room may be combined with the living ~~and/or~~ or dining room.

c) In multiple story buildings living rooms must be provided on each floor unless a variance to this requirement is approved in writing by the Department. ~~(6)~~

d) Additional interior rooms may be used for television, craft, or similar activities.

e) Under no circumstances shall any of these rooms be used as a bedroom. ~~(6)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2980 Treatment and Personal Care

Space and appropriate equipment shall be provided to meet the resident's needs for treatment, grooming and hair care. ~~(6)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.2990 Service Department

a) Kitchen

- 1) Provide a kitchen area, not including food storage area, of approximately ten ~~(40)~~ square feet per resident bed; this may be reduced for a facility with ~~seventy-five (75)~~ or more beds. Any deviation from this requirement must receive approval from the Department. (B-~~6~~)
- 2) Provide kitchen equipment in an arrangement for convenient operation, good sanitation, healthful working conditions and control of heat, noise and odors. (B-~~6~~)
- 3) Provide appropriate equipment for preparation and serving of meals. (B-~~6~~)
- 4) Provide refrigeration of perishable foods. (B-~~6~~)
- 5) The kitchen shall be equipped with a two ~~(2)~~ compartment sink for washing and sanitizing dishes, pots, pans and utensils. (B-~~6~~) A commercial type dishwasher is recommended.
- 6) The kitchen shall be provided with a handwashing lavatory. (B-~~6~~)
- 7) The walls and ceilings of all food handling rooms shall be finished with smooth, washable, light colored surfaces. ~~(6)~~
- 8) All openings to the outside shall be effectively screened during fly seasons, and screen doors shall be equipped with self-closing devices; or a satisfactory alternative method. ~~(6)~~
- 9) The kitchen shall be located so that no resident must pass through it to reach a bathroom, resident's bedroom, the living room, dining room, or the out-of-doors. (B-~~6~~)
- 10) Provide approximately two and one-half ~~(2-1/2)~~ square feet per patient bed for bulk and daily food storage located in a room convenient to the kitchen. ~~(6)~~

b) Laundry

- 1) Provide a laundry room equipped with adequate facilities for satisfactorily doing all laundering, unless a commercial laundry service is used. ~~(6)~~

Section 350.2990(b) (continued)

- 2) Provide satisfactory and separate areas for soiled holding and sorting and clean linen storage. These may be in the same room if well defined and adequate separation is provided. ~~(6)~~
- 3) The laundry facilities shall not be located in a room used by residents, or for food storage, preparation or serving. It shall be located so that soiled linens are not carried through a food handling area to reach it. (B-~~6~~)

c) Storage

- 1) Provide a total area of approximately seven and one-half ~~(7-1/2)~~ square feet per resident bed for the storage area required in this section. ~~(6)~~
- 2) Provide adequate storage space for personal possessions of residents and staff, linens, supplies, and other items. This storage shall be such that it does not constitute a fire or accident hazard and will not be in the way of residents or staff. ~~(6)~~
- 3) Provide adequate storage space in the facility, out of the way of residents and staff, to store wheelchairs, walkers, and similar equipment temporarily not being used. ~~(6)~~
- 4) Provide closets for cleaning supplies, janitor's sinks, linen closets, storerooms for luggage, and furniture replacements ~~etc. (6)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3000 General Building Requirements -Building General--

a) Elevators

- 1) Provide a minimum of one ~~(1)~~ elevator in all buildings of three ~~(3)~~ or more stories in height. Additional elevators shall be provided as determined by the Department. The basement, if it is used by residents, shall be considered as one ~~(1)~~ story. ~~(6)~~
- 2) If ~~sixty (60)~~ to ~~two hundred (200)~~ beds are located above the second floor, at least one ~~(1)~~ additional elevator shall be provided. If over ~~two hundred (200)~~ beds are

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3000(a)(2) (continued)

located above the second floor, the number of additional elevators shall be determined by the Department. ~~(C)~~

- 3) The administrator of the facility must be able to demonstrate to the Department the ability to transfer a patient according to physician's orders using existing elevators and elevator doors. ~~(C)~~

b) Handrails and Grab Bars

- 1) Handrails shall be provided on both sides of all corridors, stairs, and ramps. Handrails shall be one and one-half ~~(1-1/2)~~ inches in diameter and one and one-half ~~(1-1/2)~~ inches minimum clear of the wall. The height shall be ~~(30)~~ to ~~(34)~~ inches measured vertically from floor surface. Refer to the ~~State of~~ rules of the Capital Development Board entitled "Illinois Accessibility Code" ~~Standards~~ (71 Ill. Adm. Code 400) for other acceptable handrail dimensions and details. (B, C)
- 2) Grab bars shall be provided at all resident toilets, showers, tubs, and sitz bath, ~~etc.~~. Refer to ~~State of~~ the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400) ~~Standards~~ for grab bar dimensions and details. (B, C)

c) Ceiling Heights

- 1) All rooms occupied by or used by residents shall have not less than eight ~~(8)~~ feet ceiling height. ~~(C)~~
- 2) Corridors, storage rooms, toilet rooms and other minor rooms shall not be less than seven feet eight inches ~~(7'-8")~~ ceiling height. ~~(C)~~
- 3) Suspended pipes and similar features ~~etc.~~ located in the path of traffic shall not be less than six feet eight inches ~~(6'-8")~~ above the floor. ~~(C)~~

d) Doors and Windows

- 1) Main entrance and exit doors shall swing outward and be provided with door closers and panic-hardware. (B, C)
- 2) All exterior doors shall be equipped with a signal that will

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3000(d)(2) (continued)

alert the staff if a resident leaves the building. Any exterior door that is supervised during certain periods may have a disconnect device for part-time use. If there is constant ~~twenty-four~~ ~~(24)~~ hour a day supervision of the door, a signal is not required. (B, C)

- 3) Locks installed on resident bedroom doors shall be so arranged that they can be quickly and easily unlocked from the corridor side. All such locks shall be arranged to permit exit from the room by a simple operation without the use of a key. The door may be lockable by the occupant if the door can be unlocked from the corridor side and the keys are carried by the attendants at all times. (B, C)
 - 4) Resident toilet rooms shall open directly into a corridor or into a resident's bedroom. ~~(C)~~
 - 5) The doors for the toilet rooms used by residents shall have a minimum door width of ~~thirty~~ ~~(30)~~ inches.
 - 6) No toilet or bathroom door shall be provided with hardware which could allow a resident to become locked in the room. All toilet or bathroom doors and hardware shall be designed to permit emergency ingress to the room. ~~(C)~~
 - 7) Thresholds or parting strips in doorways used by residents shall be flush with the floor. ~~(C)~~
 - 8) Doors and windows shall fit snugly and be weather tight, and shall open and close easily. ~~(C)~~
 - 9) Outside doors, other than required exits, and operable windows shall be equipped with tight-fitting, 16-mesh screens. Screen doors shall be equipped with self-closing devices. ~~(C)~~
- e) Floors
- 1) Floors shall be smooth, free from cracks and finished so that they can be easily and properly cleaned. (B, C)
 - 2) Floors in bathrooms, kitchens, and utility rooms shall be completely covered with water resistant material. (B, C)
- f) Walls and Ceilings

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3000(F) (continued)

- 1) Walls and ceilings shall have sound construction, covered with plaster or sheet rock or similar material in good repair, and free from cracks or holes to permit proper cleaning. ~~(B-1-G)~~
- 2) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other vermin. ~~(G)~~
- g) Exit corridor walls shall be one ~~(1)~~ hour fire rated construction. Adjoining open spaces shall not be greater than ~~hundred (600)~~ square feet. Provide direct visual supervision of these open spaces and equip them with an electrically supervised smoke detection system. ~~(B-1-G)~~
- h) There shall be at least one ~~(1)~~ approved fire extinguisher in all basements, furnace rooms, and kitchens. In addition, there shall be on each floor of the building, extinguishers located so a person will not have to travel more than ~~fifty (50)~~ feet from any point to reach one. They shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher. ~~(B-1-G)~~
- i) Approved containers with proper covers shall be provided for daily storage of rubbish. ~~(B-1-G)~~
- j) Housekeeping throughout the building, including basements, attics, and unoccupied rooms shall be adequately performed to minimize all fire hazards. ~~(B-1-G)~~
- k) Facilities shall comply ~~comply~~ with any reasonable additional fire protection measures recommended by the Department over and above these requirements or the Office ~~office~~ of the State Fire Marshal ~~shall~~ if conditions in and around building, including its location, indicate that such additional protection is needed. ~~(B-1-G)~~
- l) Facilities shall have no other business in the building which is unrelated to health care that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and must be approved by the Department. ~~(A, B-1-G)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3010 Structural

- a) Buildings and all parts thereof shall be maintained structurally to support all dead, live and lateral loads. ~~(B-1-G)~~
- b) Buildings shall be maintained in good repair. Buildings that show signs of distress shall be repaired immediately. ~~(B-1-G)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3020 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment must be available at the facility. ~~(B-1-G)~~
- b) Thermal and Acoustical Insulation. It is recommended that insulation be provided for the following:
 - 1) Boilers, smoke breeching, and stacks. ~~(G)~~
 - 2) Steam supply and condensate return piping. ~~(G)~~
 - 3) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters. ~~(G)~~
 - 4) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents. ~~(G)~~
 - 5) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point. ~~(G)~~
 - 6) Water supply and drainage piping on which condensation may occur. ~~(G)~~
 - 7) Air ducts and casings with outside surface temperature below ambient dew point. ~~(G)~~
 - 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system. ~~(G)~~
 - 9) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive systems heat loss or excessive heat gain.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3020(b) (continued)

- 10) Insulation on cold surfaces shall include an exterior vapor barrier. ~~(G)~~
- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with ASTM Standard E 84. ~~(G)~~ Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building or do not penetrate a wall or roof or do not create an exposure hazard.
- c) Steam and Hot Water Systems. It is recommended that supply and return mains and risers for cooling, heating and process steam systems be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.
- d) Heating, Cooling, and Ventilating Systems
 - 1) The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces. ~~(G)~~
 - 2) Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system. Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted. ~~(B, G)~~
 - 3) All ventilation supply, return and exhaust systems shall be mechanically operated. ~~(G)~~
 - 4) The kitchen shall be provided with ventilation for reasonable comfort and with sufficient make-up air for the rangehood exhaust. ~~(B, G)~~
 - 5) The laundry shall be provided with ventilation for reasonable comfort and with air flowing from clean areas to soiled areas with exhaust to the outdoors. ~~(B, G)~~
 - 6) It is recommended that outdoor air intakes be located as far as practical but not less than ~~fifteen~~ ~~(15)~~ feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3020(d)(6) (continued)

- outdoor air intakes serving central systems should be located as high as practical but not less than six ~~6~~ feet above ground level, or if installed above the roof, three ~~3~~ feet above roof level.
- 7) Air conditioning and ventilating systems shall be maintained to conform to the requirements of NFPA 90A. ~~(A, B, G)~~ Exception: For facilities not exceeding 25,000 cubic feet in volume, NFPA 90B shall apply except "pipeless floor furnaces" are not permitted.
 - 8) The hood and duct system for cooking equipment shall be in conformance with NFPA 96. That portion of the fire extinguishment system required for protection of the duct system maybe omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratory. ~~(A, B, G)~~
 - 9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates. ~~(A, B, G)~~
 - 10) A capability shall be provided to maintain a temperature of at least ~~fifty-five~~ ~~(55)~~ degrees Fahrenheit ~~for~~ at least ~~twelve~~ ~~(12)~~ hours when the normal source of electrical power is interrupted. ~~(A, B, G)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3030 Plumbing Systems

- a) All plumbing systems shall be designed and installed in accordance with the requirements of the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) except that the number of water closets, lavatories, bath tubs, showers and other fixtures shall be as required by these Requirements and the facility program. ~~(B, G)~~
- b) Plumbing Fixtures
 - 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials and shall be kept in good repair. ~~(G)~~
 - 2) Clinical rim flush sinks shall have an integral trap in which

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3030(b)(2) (continued)

the upper portion of the trap seal provides a visible water surface. ~~(C)~~

- 3) The kitchen two ~~(2)~~ compartment sink shall have one ~~(1)~~ compartment no less than ~~fourteen~~ ~~(14)~~ inches deep. ~~(C)~~
- 4) When existing showers or tubs are replaced or additional showers or tubs provided, the shower bases and tub bottoms shall be provided with nonslip surfaces. ~~(C)~~

c) Water Supply Systems

- 1) Water supply systems shall be designed to supply potable water at sufficient pressure and volume to operate all plumbing fixtures and equipment during maximum demand periods. ~~(C)~~
- 2) It is recommended that each water service main, branch main, riser and branch to a group of fixtures be valved. Stop valves should be provided at each fixture.
- 3) Hot water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. ~~(B, C)~~
- 4) Hot water available to residents at shower bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. ~~(A, B, C)~~
- 5) Protective measures, such as but not limited to, installation of a mixing valve, limited access to controls, and checking water temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. ~~(A, B, C)~~
- d) Hot Water Heaters and Tanks. Water storage tanks shall be fabricated of corrosion resistant metal or lined with non-corrosive material. ~~(C)~~
- e) Drainage Systems. Special precautions shall be taken to protect food preparation, serving or storage areas from possible leakage or condensation from necessary overhead piping systems. ~~(B, C)~~
- f) Fire Extinguishment Systems. All fire extinguishment systems shall be designed and installed in accordance with NFPA 101 and NFPA 13.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3030(f) (continued)

All fire extinguishment systems shall be maintained in accordance with NFPA 13A. ~~(A, B, C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3040 Electrical Requirements

- a) The electrical installation for existing facilities shall continue to meet all the requirements of the National Electrical Code, effective at the time of approval by the Department of final drawings and specification or the inspection of the building. ~~(A, B, C)~~
- b) Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboards and panelboards shall be enclosed or guarded to provide a dead-front type of assembly. Overload protective devices shall be suitable for operating properly in ambient temperature conditions. ~~(C)~~
- c) Lighting
 - 1) All spaces occupied by people, machinery, or equipment within buildings, approaches to buildings, and parking lots shall have lighting. ~~(C)~~
 - 2) Resident's rooms shall have general lighting. A vandal-proof reading light shall be provided for each resident. ~~(C)~~
 - d) Receptacles (Convenience Outlets). Each resident room shall have adequate duplex type receptacles. ~~(C)~~
 - e) Door Alarm System. See Section 350.300(d)(2). ~~(B, C)~~
 - f) Fire Alarm System
 - 1) A manually-operated, electrically-supervised fire alarm system shall be installed. Pre-signal systems are not permitted. ~~(A, B, C)~~
 - 2) There shall be an approved fire detection and alarm system throughout the facility. ~~(A, B, C)~~
 - 3) The fire alarm signals shall automatically transmit the alarm to any available municipal fire department by direct private line or through an approved central station. ~~(A, B, C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3040(f) (continued)

- 4) Fire alarms shall be activated by manual stations and all detection systems and flow alarm devices and sprinkler systems. (A, B, ~~C~~)
- g) Emergency Electrical Requirements (B, ~~C~~)
 - 1) To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power. (B, ~~C~~)
 - 2) The source of this emergency electrical service shall be one of the following: (B, ~~C~~)
 - A) An emergency generating set when the normal service is supplied by only one ~~central station transmission line~~.
 - B) Automatic battery operated systems or equipment that will be effective for four ~~or more hours and will be capable of supplying power for lighting for exit signs, exit corridors, stairways, nurses' stations, communication system, and all alarm systems, including the nurses' call system~~.
 - C) An approved dual source of normal power. Such a dual source of normal power shall consist of two ~~or more electrical services fed from separate generator sets or a utility distribution network having multiple power input sources and arranged to provide mechanical and electrical separation so that a fault between the facility and the generating sources will not likely cause an interruption of more than one of the facility service feeders. An automatic transfer switch is required between the facility service feeders.~~
- 3) Provide emergency electrical service for: (B, ~~C~~)
 - A) illumination of means of egress as necessary for corridors, passageways, stairways, landings and exit doors and all ways of approach to and through exits including outside lights,
 - B) exit signs and exit directional signs,

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3040(g)(3) (continued)

- C) fire alarm and detection systems,
- D) communication systems which are used for issuing instructions,
- E) task illumination in the nurses' station.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART O: RESIDENT'S RIGHTS

Section 350.3210 General

- a) NO RESIDENT SHALL BE DEPRIVED OF ANY RIGHTS, BENEFITS, OR PRIVILEGES GUARANTEED BY LAW BASED ON THEIR STATUS AS A RESIDENT OF A FACILITY. (Section 2-101 of the Act) (A, B, ~~C~~)
- b) A RESIDENT SHALL BE PERMITTED TO RETAIN AND USE OR WEAR HIS PERSONAL PROPERTY IN HIS IMMEDIATE LIVING QUARTERS, UNLESS DEEMED MEDICALLY INAPPROPRIATE BY A PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD. (Section 2-103 of the Act) ~~(C)~~
- c) IF CLOTHING IS PROVIDED TO THE RESIDENT BY THE FACILITY IT SHALL BE OF A PROPER FIT. (Section 2-103 of the Act) ~~(C)~~
- d) THE FACILITY SHALL PROVIDE ADEQUATE AND CONVENIENT STORAGE SPACE FOR THE PERSONAL PROPERTY OF THE RESIDENT. (Section 2-103 of the Act) ~~(C)~~
- e) THE FACILITY SHALL PROVIDE A MEANS OF SAFEGUARDING SMALL ITEMS OF VALUE FOR ITS RESIDENTS IN THEIR ROOMS OR IN ANY OTHER PART OF THE FACILITY SO LONG AS THE RESIDENTS HAVE DAILY ACCESS TO SUCH VALUABLES. (Section 2-103 of the Act) ~~(C)~~
- f) THE FACILITY SHALL DEVELOP PROCEDURES FOR INVESTIGATING COMPLAINTS CONCERNING THEFT OF RESIDENT'S PROPERTY AND SHALL PROMPTLY INVESTIGATE ALL SUCH COMPLAINTS. (Section 2-103 of the Act) ~~(C)~~
- g) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT MARRIED RESIDENTS RESIDING IN THE SAME FACILITY BE ALLOWED TO RESIDE IN THE SAME ROOM WITHIN THE FACILITY UNLESS THERE IS NO ROOM AVAILABLE IN THE FACILITY OR IT IS DEEMED MEDICALLY INADVISABLE BY THE RESIDENT'S ATTENDING PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S MEDICAL RECORDS. (Section 2-108(e) of the Act) ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3210 (continued)

- h) There shall be no traffic through a resident's room to reach any other area of the building. (B-~~G~~)
- i) Children under ~~sixteen~~ 16 years of age who are related to employees or owners of a facility, and who are not themselves employees of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity. ~~(G)~~
- j) A RESIDENT MAY REFUSE TO PERFORM LABOR FOR A FACILITY. (Section 2-113 of the Act) ~~(G)~~
- k) A RESIDENT SHALL BE PERMITTED THE FREE EXERCISE OF RELIGION. UPON A RESIDENT'S REQUEST, AND IF NECESSARY AT HIS EXPENSE, THE FACILITY ADMINISTRATOR SHALL MAKE ARRANGEMENTS FOR A RESIDENT'S ATTENDANCE AT RELIGIOUS SERVICES OF THE RESIDENT'S CHOICE. HOWEVER, NO RELIGIOUS BELIEFS OR PRACTICES, OR ATTENDANCE AT RELIGIOUS SERVICES, MAY BE IMPOSED UPON ANY RESIDENT. (Section 2-109 of the Act) ~~(G)~~
- l) All facilities shall comply with the ~~Illinois~~ Election Code ~~(Ill. Rev. Stat. 1987, ch. 46, par. 1-1 et seq.)~~ as it pertains to absentee voting for residents of licensed long-term care facilities. ~~(G)~~
- m) THE FACILITY SHALL IMMEDIATELY NOTIFY THE RESIDENT'S NEXT OF KIN, REPRESENTATIVE AND PHYSICIAN OF THE RESIDENT'S DEATH OR WHEN THE RESIDENT'S DEATH APPEARS TO BE IMMINENT. (Section 2-208 of the Act) ~~(G)~~
- n) The facility shall also immediately notify the resident's family, guardian, representative, conservator and any private or public agency financially responsible for the resident's care whenever unusual circumstances such as accidents, sudden illness, disease, unexplained absences, extraordinary resident charges, billings, or related administrative matters arise. (B-~~G~~)
- o) WHERE A RESIDENT, A RESIDENT'S REPRESENTATIVE OR A RESIDENT'S NEXT OF KIN BELIEVES THAT AN EMERGENCY EXISTS EACH OF THEM COLLECTIVELY OR SEPARATELY, MAY FILE A VERIFIED PETITION TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE FACILITY IS LOCATED FOR AN ORDER PLACING THE FACILITY UNDER THE CONTROL OF A RECEIVER. (Section 3-503 of the Act) ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3220 Medical and Personal Care Program

- a) A RESIDENT SHALL BE PERMITTED TO RETAIN THE SERVICES OF HIS OWN PERSONAL PHYSICIAN AT HIS OWN EXPENSE UNDER AN INDIVIDUAL OR GROUP PLAN OF HEALTH INSURANCE, OR UNDER ANY PUBLIC OR PRIVATE ASSISTANCE PROGRAM PROVIDING SUCH COVERAGE. (Section 2-104(a) of the Act) (B-~~G~~)
- b) THE DEPARTMENT SHALL NOT PRESCRIBE THE COURSE OF MEDICAL TREATMENT PROVIDED TO AN INDIVIDUAL RESIDENT BY THE RESIDENT'S PHYSICIAN IN A FACILITY. (Section 2-104(a) of the Act) ~~(G)~~
- c) EVERY RESIDENT SHALL BE PERMITTED TO OBTAIN FROM HIS OWN PHYSICIAN OR THE PHYSICIAN ATTACHED TO THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS MEDICAL DIAGNOSIS, TREATMENT AND PROGNOSIS. IN TERMS AND LANGUAGE THE RESIDENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. (Section 2-104(a) of the Act) ~~(G)~~
- d) ALL RESIDENTS ~~EVERY RESIDENT~~ SHALL BE PERMITTED TO PARTICIPATE IN THE PLANNING OF THEIR ~~HIS~~ TOTAL CARE AND MEDICAL TREATMENT TO THE EXTENT THAT THEIR ~~HIS~~ CONDITION PERMITS. (Section 2-104(a) of the Act) ~~(G)~~
- e) NO RESIDENT SHALL BE SUBJECTED TO EXPERIMENTAL RESEARCH OR TREATMENT WITHOUT FIRST OBTAINING HIS INFORMED, WRITTEN CONSENT. THE CONDUCT OF ANY EXPERIMENTAL RESEARCH OR TREATMENT SHALL BE AUTHORIZED AND MONITORED BY AN INSTITUTIONAL REVIEW COMMITTEE APPOINTED BY THE ADMINISTRATOR OF THE FACILITY WHERE SUCH RESEARCH AND TREATMENT IS CONDUCTED. (Section 2-104(a) of the Act) (A, B-~~G~~)
- f) EVERY RESIDENT SHALL BE PERMITTED TO REFUSE MEDICAL TREATMENT AND TO KNOW THE CONSEQUENCES OF SUCH ACTION, UNLESS SUCH REFUSAL WOULD BE HARMFUL TO THE HEALTH AND SAFETY OF OTHERS AND SUCH HARM IS DOCUMENTED BY A PHYSICIAN IN THE RESIDENT'S CLINICAL RECORD. (Section 2-104(b) of the Act) (B-~~G~~)
- g) Inspection and Copying of Records
- 1) EVERY RESIDENT, RESIDENT'S GUARDIAN, OR PARENT IF THE RESIDENT IS A MINOR SHALL BE PERMITTED TO INSPECT AND COPY ALL THE RESIDENT'S ~~HIS~~ CLINICAL AND OTHER RECORDS CONCERNING THE RESIDENT'S ~~HIS~~ CARE AND MAINTENANCE KEPT BY THE FACILITY OR BY THE RESIDENT'S ~~HIS~~ PHYSICIAN ~~(see Section 2-104(e) of the Act)~~. (Section 2-104(b) of the Act)
- 2) EVERY RESIDENT'S REPRESENTATIVE SHALL BE PERMITTED TO INSPECT AND COPY THE RESIDENT'S RECORDS. A "RESIDENT'S REPRESENTATIVE"

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3220(g)(2) (continued)

IS A PERSON, OTHER THAN THE OWNER OR AN AGENT OR EMPLOYEE OF A FACILITY WHO IS NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED (see Sections 2-202(h) and 1-123 of the Act). (Sections 1-123 and 2-202(h) of the Act) ~~(G)~~

- h) A RESIDENT SHALL BE PERMITTED RESPECT AND PRIVACY IN HIS MEDICAL AND PERSONAL CARE PROGRAM. EVERY RESIDENT'S CASE DISCUSSION, CONSULTATION, EXAMINATION AND TREATMENT SHALL BE CONFIDENTIAL AND SHALL BE CONDUCTED DISCREETLY, AND THOSE PERSONS NOT DIRECTLY INVOLVED IN THE RESIDENT'S CARE MUST HAVE HIS PERMISSION TO BE PRESENT. (Section 2-105 of the Act) (B-~~G~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3230 Restraints

- a) NEITHER PHYSICAL RESTRAINTS NOR CONFINEMENTS SHALL BE EMPLOYED FOR THE PURPOSE OF PUNISHMENT OR FOR THE CONVENIENCE OF ANY FACILITY PERSONNEL. NO PHYSICAL RESTRAINTS OR CONFINEMENTS SHALL BE EMPLOYED EXCEPT AS ORDERED BY A PHYSICIAN WHO DOCUMENTS THE NEED FOR SUCH RESTRAINTS OR CONFINEMENTS IN THE RESIDENT'S CLINICAL RECORD. (Section 2-106 of the Act) (B-~~G~~)

- b) Restraints and confinements may be employed only when necessary to prevent a resident from injuring himself or others. The physician's written authorization shall specify the precise time periods and conditions in which any restraints and confinements shall be employed. (B-~~G~~)

- c) No chemical, medication or tranquilizer shall be employed by a facility as a restraint or confinement in lieu of or in addition to any physical restraint or confinement. Such chemicals, medications or tranquilizers may only be employed as part of a duly prescribed therapeutic medical treatment program authorized by the resident's physician and documented in the resident's clinical record. (B-~~G~~)

- d) No resident shall be subjected to any behavior modification program which utilizes restraints, confinements, or aversive stimuli of any nature unless and until the informed consent of such resident, resident's guardian, or parent of a minor resident has been obtained. (B-~~G~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3240 Abuse and Neglect

- a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (A, B-~~G~~) (Section 2-107 of the Act)
- b) A FACILITY EMPLOYEE OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER TO THE FACILITY ADMINISTRATOR. ~~(G)~~ (Section 3-610 of the Act)
- c) A FACILITY ADMINISTRATOR WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER BY TELEPHONE AND IN WRITING TO THE RESIDENT'S REPRESENTATIVE, ~~OR IF HE IS NOT AVAILABLE THEN TO THE DEPARTMENT.~~ ~~(G)~~ (Section 3-610 of the Act)
- d) A FACILITY ADMINISTRATOR, EMPLOYEE, OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL ALSO REPORT THE MATTER TO THE DEPARTMENT. (Section 3-610 of the Act)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3250 Communication and Visitation

- a) EVERY RESIDENT SHALL BE PERMITTED UNIMPEDED, PRIVATE AND UNCENSORED COMMUNICATION OF HIS CHOICE BY MAIL, PUBLIC TELEPHONE OR VISITATION. (Section 2-108 of the Act) ~~(G)~~
- b) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT CORRESPONDENCE IS CONVENIENTLY RECEIVED AND MAILED, AND THAT TELEPHONES ARE REASONABLY ACCESSIBLE. (Section 2-108(a) of the Act) ~~(G)~~
- c) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT RESIDENTS MAY HAVE PRIVATE VISITS AT ANY REASONABLE HOUR UNLESS SUCH VISITS ARE NOT MEDICALLY ADVISABLE FOR THE RESIDENT AS DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD BY THE RESIDENT'S PHYSICIAN. (Section 2-108(a) of the Act) ~~(G)~~
- d) The facility shall allow daily visiting between 10 A.M. and 8 P.M. These visiting hours shall be posted in plain view of visitors. ~~(G)~~
- e) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT SPACE FOR VISITS IS AVAILABLE AND THAT FACILITY PERSONNEL KNOCK, EXCEPT IN AN EMERGENCY, BEFORE ENTERING ANY RESIDENT'S ROOM. (Section 2-108(c) of the Act) ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3250 (continued)

- f) UNIMPEDED, PRIVATE AND UNCENSORED COMMUNICATION BY MAIL, PUBLIC TELEPHONE, AND VISITATION MAY BE REASONABLY RESTRICTED BY A PHYSICIAN ONLY IN ORDER TO PROTECT THE RESIDENT OR OTHERS FROM HARM, HARASSMENT OR INTIMIDATION PROVIDED THAT THE REASON FOR ANY SUCH RESTRICTION IS PLACED IN THE RESIDENT'S CLINICAL RECORD BY THE PHYSICIAN AND THAT NOTICE OF SUCH RESTRICTION SHALL BE GIVEN TO ALL RESIDENTS UPON ADMISSION. (Section 2-108(d) of the Act) ~~(G)~~
- g) NOTWITHSTANDING ~~REGULATION SECTION 350.3250~~ SUBSECTION (F) OF THIS SECTION ~~ABOVE~~, ALL LETTERS ADDRESSED BY A RESIDENT TO THE GOVERNOR, MEMBERS OF THE GENERAL ASSEMBLY, ATTORNEY GENERAL, JUDGES, STATE'S ATTORNEYS, OFFICERS OF THE DEPARTMENT, OF LICENSED ATTORNEYS AT LAW SHALL BE FORWARDED AT ONCE TO THE PERSONS TO WHOM THEY ARE ADDRESSED WITHOUT EXAMINATION BY FACILITY PERSONNEL. LETTERS IN REPLY FROM THE OFFICIALS AND ATTORNEYS MENTIONED ABOVE SHALL BE DELIVERED TO THE RECIPIENT WITHOUT EXAMINATION BY FACILITY PERSONNEL. (Section 2-108(d) of the Act) ~~(G)~~
- h) ANY EMPLOYEE OR AGENT OF A PUBLIC AGENCY, ANY REPRESENTATIVE OF A COMMUNITY LEGAL SERVICES PROGRAM OR ANY MEMBER OF A COMMUNITY ORGANIZATION SHALL BE PERMITTED ACCESS AT REASONABLE HOURS TO ANY INDIVIDUAL RESIDENT OF ANY FACILITY, IF THE PURPOSE OF SUCH AGENCY, PROGRAM OR ORGANIZATION INCLUDES RENDERING ASSISTANCE TO RESIDENTS WITHOUT CHARGE, BUT ONLY IF THERE IS NEITHER A COMMERCIAL PURPOSE NOR AFFECT TO SUCH ACCESS AND IF THE PURPOSE IS TO DO ANY OF THE FOLLOWING:
- 1) VISIT, TALK WITH AND MAKE PERSONAL, SOCIAL, AND LEGAL SERVICES AVAILABLE TO ALL RESIDENTS; ~~(G)~~
 - 2) INFORM RESIDENTS OF THEIR RIGHTS AND ENTITLEMENTS AND THEIR CORRESPONDING OBLIGATIONS, UNDER FEDERAL AND STATE LAWS, BY MEANS OF EDUCATIONAL MATERIALS AND DISCUSSIONS IN GROUPS AND WITH INDIVIDUAL RESIDENTS; ~~(G)~~
 - 3) ASSIST RESIDENTS IN ASSERTING THEIR LEGAL RIGHTS REGARDING CLAIMS FOR PUBLIC ASSISTANCE, MEDICAL ASSISTANCE AND SOCIAL SECURITY BENEFITS AS WELL AS IN ALL OTHER MATTERS IN WHICH RESIDENTS ARE AGGRIEVED. ASSISTANCE MAY INCLUDE COUNSELING AND LITIGATION; OR ~~(G)~~
 - 4) ENGAGE IN OTHER METHODS OF ASSERTING, ADVISING AND REPRESENTING RESIDENTS SO AS TO EXTEND TO THEM FULL ENJOYMENT OF THEIR RIGHTS. (Section 2-110(a) of the Act) ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3250 (continued)

- i) NO VISITOR SHALL ENTER THE IMMEDIATE LIVING AREA OF ANY RESIDENT WITHOUT FIRST IDENTIFYING HIMSELF AND THEN RECEIVING PERMISSION FROM THE RESIDENT TO ENTER. THE RIGHTS OF OTHER RESIDENTS PRESENT IN THE ROOM SHALL BE RESPECTED. (Section 2-110(b) of the Act) ~~(B, G)~~
- j) A RESIDENT MAY TERMINATE AT ANY TIME A VISIT BY A PERSON HAVING ACCESS TO THE RESIDENT'S LIVING AREA. (Section 2-110(b) of the Act) ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3260 Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) THROUGH (n) OF THIS SECTION. (Section 2-102 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4152-102)~~
- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, AND OBTAIN A SIGNED ACKNOWLEDGEMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. ~~(G)~~ (Section 2-101(1) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4152-201(1))~~
- c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS, AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. ~~(G)~~ (Section 2-101(2) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4152-201(2))~~
- d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S

Section 350.3260(d) (continued)

REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. ~~(G)~~ (Section 2-101(3) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(3))~~

e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. ~~(G)~~ (Section 2-101(4) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(4))~~

f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS. ~~(G)~~ (Section 2-101(5) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(5))~~

g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. ~~(G)~~ (Section 2-101(6) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(6))~~

h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. ~~(G)~~ (Section 2-101(7) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(7))~~

i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. ~~(G)~~ (Section 2-101(7) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(7))~~

j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN

Section 350.3260(j) (continued)

THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. ~~(G)~~ (Section 2-101(8) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(8))~~

k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. ~~(G)~~ (Section 2-101(9) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(9))~~

l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. ~~(G)~~ (Section 2-101(10) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(10))~~

m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. ~~(G)~~ (Section 2-101(11) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(11))~~

n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. ~~(G)~~ (Section 2-101(12) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(12))~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3270 Residents' Advisory Council

Each resident shall have the right to participate in a residents' advisory council as indicated in ~~regulations~~ Section 350.650(a) through (m). ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3280 Contract With Facility

Each resident shall have the right to contract with the facility as indicated

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3280 (continued)

in ~~regulations~~ Section 350.640(a) through (s). ~~(c)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3290 Private Right of Action

- a) Each resident shall have the right to maintain a private right of action against a facility as described in ~~regulations~~ ~~Section 350.3290~~ subsections (b) through (i) of this Section.
- b) THE OWNER AND LICENSEE OF A FACILITY ARE LIABLE TO A RESIDENT FOR ANY INTENTIONAL OR NEGLIGENT ACT OR OMISSION OF THEIR AGENTS OR EMPLOYEES WHICH INJURES THE RESIDENT. (Section 3-601 of the Act)
- c) THE LICENSEE SHALL PAY THREE ~~(2)~~ TIMES THE ACTUAL DAMAGES, OR \$500, WHICHEVER IS GREATER, AND COSTS AND ATTORNEY'S FEES TO A FACILITY RESIDENT WHOSE RIGHTS AS SPECIFIED IN PART I OF ARTICLE II OF THE ACT ARE VIOLATED. (Section 3-602 of the Act)
- d) A RESIDENT MAY MAINTAIN AN ACTION UNDER THE ~~THIS~~ ACT AND THIS PART ~~THESE REGULATIONS~~ FOR ANY OTHER TYPE OF RELIEF, INCLUDING INJUNCTIVE AND DECLARATORY RELIEF, PERMITTED BY LAW. (Section 3-603 of the Act)

- e) ANY DAMAGES RECOVERABLE UNDER ~~REGULATIONS~~ ~~SECTION 350.3290~~ SUBSECTIONS (b) THROUGH (i) OF THIS SECTION, INCLUDING MINIMUM DAMAGES AS PROVIDED BY THESE REGULATIONS, MAY BE RECOVERED IN ANY ACTION WHICH A COURT MAY AUTHORIZE TO BE BROUGHT AS A CLASS ACTION PURSUANT TO PART 8 OF THE CIVIL PRACTICE LAW (11. Rev. Stat. ~~1981~~ 1987, ch. 110, pars. 2-801 et seq. ~~through~~ ~~2-806~~). THE REMEDIES PROVIDED IN ~~SECTION 350.3290~~ SUBSECTIONS (b) THROUGH (i) OF THIS SECTION ARE IN ADDITION TO AND CUMULATIVE WITH ANY OTHER LEGAL REMEDIES AVAILABLE TO A RESIDENT. EXHAUSTION OF ANY AVAILABLE ADMINISTRATIVE REMEDIES SHALL NOT BE REQUIRED PRIOR TO COMMENCEMENT OF A SUIT HEREUNDER. (Section 3-604 of the Act)

- f) THE AMOUNT OF DAMAGES RECOVERED BY A RESIDENT IN AN ACTION BROUGHT UNDER ~~REGULATIONS~~ ~~SECTION 350.3290~~ SUBSECTIONS (b) THROUGH (i) OF THIS SECTION SHALL BE EXEMPT FOR PURPOSES OF DETERMINING INITIAL OR CONTINUING ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE (11. Rev. Stat. ~~1981~~ 1987, ch. 23, par. 1-1 et seq.) AS NOW OR HEREAFTER AMENDED, AND SHALL NEITHER BE TAKEN INTO CONSIDERATION NOR REQUIRED TO BE APPLIED TOWARD THE PAYMENT OR PARTIAL PAYMENT OF THE COST OF MEDICAL CARE OR SERVICES AVAILABLE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3290(f) (continued)

UNDER THE ILLINOIS PUBLIC AID CODE. (Section 3-605 of the Act)

- g) ANY WAIVER BY A RESIDENT OR HIS LEGAL REPRESENTATIVE OF THE RIGHT TO COMMENCE AN ACTION UNDER ~~SECTION 350.3290~~ SUBSECTIONS (b) THROUGH (i) OF THIS SECTION, WHETHER ORAL OR IN WRITING, SHALL BE NULL AND VOID, AND WITHOUT LEGAL FORCE OR EFFECT. (Section 3-606 of the Act)
- h) ANY PARTY TO AN ACTION BROUGHT UNDER ~~SECTION 350.3290~~ SUBSECTIONS (b) THROUGH (i) OF THIS SECTION SHALL BE ENTITLED TO A TRIAL BY JURY AND ANY WAIVER OF THE RIGHT TO A TRIAL BY JURY, WHETHER ORAL OR IN WRITING, PRIOR TO THE COMMENCEMENT OF AN ACTION, SHALL BE NULL AND VOID, AND WITHOUT LEGAL FORCE OR EFFECT. (Section 3-607 of the Act)
- i) A LICENSEE OR ITS AGENTS OR EMPLOYEES SHALL NOT TRANSFER, DISCHARGE, EVICT, HARASS, DISMISS, OR RETALIATE AGAINST A RESIDENT, A RESIDENT'S REPRESENTATIVE, OR AN EMPLOYEE OR AGENT WHO MAKES A REPORT OF RESIDENT ABUSE OR NEGLECT, BRINGS OR TESTIFIES IN A PRIVATE RIGHT OF ACTION, OR FILES A COMPLAINT, BECAUSE OF THE SUCH ACTION OR TESTIMONY. (Section 3-608 of the Act) (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3300 Transfer ~~and~~ or Discharge

- a) A RESIDENT MAY BE VOLUNTARILY DISCHARGED FROM A FACILITY AFTER HE GIVES THE ADMINISTRATOR, A PHYSICIAN, OR A NURSE OF THE FACILITY WRITTEN NOTICE OF HIS DESIRE TO BE DISCHARGED. IF A GUARDIAN HAS BEEN APPOINTED FOR A RESIDENT OR IF THE RESIDENT IS A MINOR, THE RESIDENT SHALL BE DISCHARGED UPON WRITTEN CONSENT OF HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT UNLESS THERE IS A COURT ORDER TO THE CONTRARY. IN SUCH CASES, UPON THE RESIDENT'S DISCHARGE, THE FACILITY IS RELIEVED FROM ANY RESPONSIBILITY FOR THE RESIDENT'S CARE, SAFETY OR WELL-BEING. ~~(c)~~ (Section 2-111 of the Act) ~~(111)~~ ~~Rev. Stat. 1985, ch. 111 1/2, par. 4152 111~~
- b) Each resident's rights regarding involuntary transfers or discharge from a facility shall be as described in subsections (c) through (y) of this Section.
- c) Reasons for Transfer or Discharge
 - 1) A FACILITY MAY INVOLUNTARY TRANSFER OR DISCHARGE A RESIDENT ONLY FOR ONE OR MORE OF THE FOLLOWING REASONS: ~~SHALL NOT~~ ~~INVOLUNTARILY TRANSFER OR DISCHARGE A RESIDENT EXCEPT~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3300(c)(1) (continued)

- A) FOR MEDICAL REASONS. ~~+~~
- B) FOR THE RESIDENT'S PHYSICAL SAFETY. ~~OR~~
- C) FOR THE PHYSICAL SAFETY OF OTHER RESIDENTS, THE FACILITY STAFF OR FACILITY VISITORS. ~~+~~ OR
- D) FOR EITHER LATE PAYMENT OR NONPAYMENT FOR THE RESIDENT'S STAY, EXCEPT AS PROHIBITED BY TITLE XVIII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT. FOR PURPOSES OF THIS SECTION, "LATE PAYMENT" MEANS NON-RECEIPT OF PAYMENT AFTER SUBMISSION OF A BILL. IF PAYMENT IS NOT RECEIVED WITHIN 45 DAYS AFTER SUBMISSION OF A BILL, THE FACILITY MAY SEND A NOTICE TO THE RESIDENT AND RESPONSIBLE PARTY REQUESTING PAYMENT WITHIN 30 DAYS. IF PAYMENT IS NOT RECEIVED WITHIN SUCH 30 DAYS, THE FACILITY MAY THEREUPON INSTITUTE TRANSFER OR DISCHARGE PROCEEDINGS BY SENDING A NOTICE OF TRANSFER OR DISCHARGE TO THE RESIDENT AND RESPONSIBLE PARTY BY REGISTERED OR CERTIFIED MAIL. THE NOTICE SHALL STATE, IN ADDITION TO THE REQUIREMENTS OF SECTION 3-403 OF THE ACT and subsection (e) of this Section, THAT THE RESPONSIBLE PARTY HAS THE RIGHT TO PAY THE AMOUNT OF THE BILL IN FULL UP TO THE DATE THE TRANSFER OR DISCHARGE IS TO BE MADE AND THEN THE RESIDENT SHALL HAVE THE RIGHT TO REMAIN IN THE FACILITY. SUCH PAYMENT SHALL TERMINATE THE TRANSFER OR DISCHARGE PROCEEDINGS. THIS SUBSECTION DOES NOT APPLY TO THOSE RESIDENTS WHOSE CARE IS PROVIDED UNDER THE ILLINOIS PUBLIC AID CODE. (B-G) (Section 3-401 of the Act) ~~ch. 111 1/2, par. 4153-401~~

2) Prohibition of Discrimination

- ~~++~~ A) A FACILITY PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM IS PROHIBITED FROM FAILING OR REFUSING TO RETAIN AS A RESIDENT ANY PERSON BECAUSE THE RESIDENT IS A RECIPIENT OF OR AN APPLICANT FOR THE MEDICAL ASSISTANCE PROGRAM. FOR THE PURPOSES OF THIS SECTION, A RECIPIENT OR APPLICANT SHALL BE CONSIDERED A RESIDENT IN THE FACILITY DURING ANY HOSPITAL STAY TOTALING TEN DAYS OR LESS FOLLOWING A HOSPITAL ADMISSION. The day on which a resident is discharged from the facility and admitted to the hospital shall be considered the first day of the ten-day period. (Section 3-401.1(a) of the Act) ~~ch. 111 1/2, par. 4153-401.1(a)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3300(c)(2) (continued)

- ~~2)~~ B) A FACILITY WHICH VIOLATES SUBSECTION (c)(2)(A) ~~(1)~~ OF THIS SECTION SHALL BE GUILTY OF A BUSINESS OFFENSE AND FINED NOT LESS THAN \$500 NOR MORE THAN \$1,000 FOR THE FIRST OFFENSE AND NOT LESS THAN \$1,000 NOR MORE THAN \$5,000 FOR EACH SUBSEQUENT OFFENSE. (Section 3-401.1(b) of the Act) ~~ch. 111 1/2, par. 4153-401.1(b)~~
- d) INVOLUNTARY TRANSFER OR DISCHARGE OF A RESIDENT FROM A FACILITY SHALL BE PRECEDED BY THE DISCUSSION REQUIRED UNDER SUBSECTION (1) OF THIS SECTION AND BY A MINIMUM WRITTEN NOTICE OF 21 DAYS. THE 21-DAY REQUIREMENT SHALL NOT APPLY IN ANY OF THE FOLLOWING INSTANCES:
- 1) WHEN AN EMERGENCY TRANSFER OR DISCHARGE IS MANDATED BY THE RESIDENT'S HEALTH CARE NEEDS AND IS IN ACCORD WITH THE WRITTEN ORDERS AND MEDICAL JUSTIFICATION OF THE ATTENDING PHYSICIAN; (Section 3-402(a) of the Act) ~~ch. 111 1/2, par. 4153-402(a)~~
 - 2) WHEN THE TRANSFER OR DISCHARGE IS MANDATED BY THE PHYSICAL SAFETY OF OTHER RESIDENTS AS DOCUMENTED IN THE CLINICAL RECORD. (Section 3-402(b) of the Act) ~~ch. 111 1/2, par. 4153-402(b)~~
- e) THE NOTICE REQUIRED BY SUBSECTION (d) OF THIS SECTION SHALL BE ON A FORM PRESCRIBED BY THE DEPARTMENT AND SHALL CONTAIN ALL OF THE FOLLOWING:
- 1) THE STATED REASON FOR THE PROPOSED TRANSFER OR DISCHARGE; ~~(G) (Section 3-403(a) of the Act) ch. 111 1/2, par. 4153-403(a)~~
 - 2) THE EFFECTIVE DATE OF THE PROPOSED TRANSFER OR DISCHARGE; ~~(G) (Section 3-403(b) of the Act) ch. 111 1/2, par. 4153-403(b)~~
 - 3) A STATEMENT IN NOT LESS THAN 12-POINT TYPE, WHICH READS: "YOU HAVE A RIGHT TO APPEAL THE FACILITY'S DECISION TO TRANSFER OR DISCHARGE YOU. IF YOU THINK YOU SHOULD NOT HAVE TO LEAVE THIS FACILITY, YOU MAY FILE A REQUEST FOR A HEARING WITH THE DEPARTMENT OF PUBLIC HEALTH WITHIN ~~10~~ TEN DAYS AFTER RECEIVING THIS NOTICE. IF YOU REQUEST A HEARING, IT WILL BE HELD NOT LATER THAN TEN ~~10~~ DAYS AFTER YOUR REQUEST, AND YOU GENERALLY WILL NOT BE TRANSFERRED OR DISCHARGED DURING THAT TIME. IF THE DECISION FOLLOWING THE HEARING IS NOT IN YOUR FAVOR, YOU GENERALLY WILL NOT BE TRANSFERRED OR DISCHARGED PRIOR

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3300(e)(3) (continued)

TO THE EXPIRATION OF 30 DAYS FOLLOWING RECEIPT OF THE ORIGINAL NOTICE OF THE TRANSFER OR DISCHARGE. A FORM TO APPEAL THE FACILITY'S DECISION AND TO REQUEST A HEARING IS ATTACHED. IF YOU HAVE ANY QUESTIONS, CALL THE DEPARTMENT OF PUBLIC HEALTH AT THE TELEPHONE NUMBER LISTED BELOW." ~~(c)~~ (Section 3-403(c) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(c))~~

4) A HEARING REQUEST FORM, TOGETHER WITH A POSTAGE PAID, PREADDRESSED ENVELOPE TO THE DEPARTMENT; AND ~~(c)~~ (Section 3-403(d) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(d))~~

5) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON CHARGED WITH THE RESPONSIBILITY OF SUPERVISING THE TRANSFER OR DISCHARGE. ~~(c)~~ (Section 3-403(e) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(e))~~

f) A REQUEST FOR A HEARING MADE UNDER SUBSECTION (e) OF THIS SECTION SHALL STAY A TRANSFER PENDING A HEARING OR APPEAL OF THE DECISION, UNLESS A CONDITION WHICH WOULD HAVE ALLOWED TRANSFER OR DISCHARGE IN LESS THAN 21 DAYS AS DESCRIBED UNDER SUBSECTIONS (d)(1) AND (2) OF THIS SECTION DEVELOPS IN THE INTERIM. ~~(c)~~ (Section 3-404 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-404)~~

g) A COPY OF THE NOTICE REQUIRED BY SUBSECTION (d) OF THIS SECTION SHALL BE PLACED IN THE RESIDENT'S CLINICAL RECORD AND A COPY SHALL BE TRANSMITTED TO THE DEPARTMENT. THE RESIDENT, THE RESIDENT'S REPRESENTATIVE, AND, IF THE RESIDENT'S CARE IS PAID FOR IN WHOLE OR PART THROUGH TITLE XIX, TO THE DEPARTMENT OF PUBLIC AID. ~~(c)~~ (Section 3-405 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-405)~~

h) WHEN THE BASIS FOR AN INVOLUNTARY TRANSFER OR DISCHARGE IS THE RESULT OF AN ACTION BY THE DEPARTMENT OF PUBLIC AID WITH RESPECT TO A RECIPIENT OF TITLE XIX AND A HEARING REQUEST IS FILED WITH THE DEPARTMENT OF PUBLIC AID, THE 21-DAY WRITTEN NOTICE PERIOD SHALL NOT BEGIN UNTIL A FINAL DECISION IN THE MATTER IS RENDERED BY THE DEPARTMENT OF PUBLIC AID OR A COURT OF COMPETENT JURISDICTION AND NOTICE OF THAT FINAL DECISION IS RECEIVED BY THE RESIDENT AND THE FACILITY. (Section 3-406 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-406)~~

i) WHEN NONPAYMENT IS THE BASIS FOR INVOLUNTARY TRANSFER OR DISCHARGE, THE RESIDENT SHALL HAVE THE RIGHT TO REDEEM UP TO THE DATE THAT THE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3300(i) (continued)

DISCHARGE OR TRANSFER IS TO BE MADE AND THEN SHALL HAVE THE RIGHT TO REMAIN IN THE FACILITY. ~~(c)~~ (Section 3-407 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-407)~~

j) THE PLANNED INVOLUNTARY TRANSFER OR DISCHARGE SHALL BE DISCUSSED WITH THE RESIDENT, THE RESIDENT'S REPRESENTATIVE AND PERSON OR AGENCY RESPONSIBLE FOR THE RESIDENT'S PLACEMENT, MAINTENANCE, AND CARE IN THE FACILITY. THE EXPLANATION AND DISCUSSION OF THE REASONS FOR INVOLUNTARY TRANSFER OR DISCHARGE SHALL INCLUDE THE FACILITY ADMINISTRATOR OR OTHER APPROPRIATE FACILITY REPRESENTATIVE AS THE ADMINISTRATOR'S DESIGNEE. THE CONTENT OF THE DISCUSSION AND EXPLANATION SHALL BE SUMMARIZED IN WRITING AND SHALL INCLUDE THE NAMES OF THE INDIVIDUALS INVOLVED IN THE DISCUSSIONS AND MADE A PART OF THE RESIDENT'S CLINICAL RECORD. ~~(c)~~ (Section 3-408 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-408)~~

k) THE FACILITY SHALL OFFER THE RESIDENT COUNSELING SERVICES BEFORE THE TRANSFER OR DISCHARGE OF THE RESIDENT. ~~(c)~~ (Section 3-409 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-409)~~

l) A RESIDENT SUBJECT TO INVOLUNTARY TRANSFER OR DISCHARGE FROM A FACILITY, THE RESIDENT'S GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT SHALL HAVE THE OPPORTUNITY TO FILE A REQUEST FOR A HEARING WITH THE DEPARTMENT WITHIN TEN ~~10~~ DAYS FOLLOWING RECEIPT OF THE WRITTEN NOTICE OF THE INVOLUNTARY TRANSFER OR DISCHARGE BY THE FACILITY. ~~(c)~~ (Section 3-410 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-410)~~

m) THE DEPARTMENT OF PUBLIC HEALTH, WHEN THE BASIS FOR INVOLUNTARY TRANSFER OR DISCHARGE IS OTHER THAN ACTION BY THE DEPARTMENT OF PUBLIC AID WITH RESPECT TO THE TITLE XIX MEDICAID RECIPIENT, SHALL HOLD A HEARING AT THE RESIDENT'S FACILITY NOT LATER THAN TEN ~~(10)~~ DAYS AFTER A HEARING REQUEST IS FILED, AND RENDER A DECISION WITHIN 14 DAYS AFTER THE FILING OF THE HEARING REQUEST. (Section 3-411 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-411)~~

n) THE HEARING BEFORE THE DEPARTMENT PROVIDED UNDER SUBSECTION (m) OF THIS SECTION SHALL BE CONDUCTED AS PRESCRIBED UNDER SECTIONS 3-703 THROUGH ~~448~~ 3-712 OF THE ACT ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-703 through 4153-712)~~. IN DETERMINING WHETHER A TRANSFER OR DISCHARGE IS AUTHORIZED, THE BURDEN OF PROOF IN THIS HEARING RESTS ON THE PERSON REQUESTING THE TRANSFER OR DISCHARGE. (Section 3-412 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-412)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3300 (continued)

- o) IF THE DEPARTMENT DETERMINES THAT A TRANSFER OR DISCHARGE IS AUTHORIZED UNDER SUBSECTION (c) OF THIS SECTION, THE RESIDENT SHALL NOT BE REQUIRED TO LEAVE THE FACILITY BEFORE THE 34th DAY FOLLOWING RECEIPT OF THE NOTICE REQUIRED UNDER SUBSECTION (d) OF THIS SECTION, OR THE ~~TENTH~~ TENTH DAY FOLLOWING RECEIPT OF THE DEPARTMENT'S DECISION, WHICHEVER IS LATER, UNLESS A CONDITION WHICH WOULD HAVE ALLOWED TRANSFER OR DISCHARGE IN LESS THAN 21 DAYS AS DESCRIBED UNDER SUBSECTIONS (d)(1) AND (2) OF THIS SECTION DEVELOPS IN THE INTERIM. ~~(B-C)~~ (Section 3-413 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-413)~~
- p) THE DEPARTMENT OF PUBLIC AID SHALL CONTINUE TITLE XIX MEDICAID FUNDING DURING THE APPEAL, TRANSFER, OR DISCHARGE PERIOD FOR THOSE RESIDENTS WHO ARE TITLE XIX RECIPIENTS AFFECTED BY SUBSECTION (c) OF THIS SECTION. (Section 3-414 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-414)~~
- q) THE DEPARTMENT MAY TRANSFER OR DISCHARGE ANY RESIDENT FROM ANY FACILITY REQUIRED TO BE LICENSED UNDER THIS ACT WHEN ANY OF THE FOLLOWING CONDITIONS EXIST:
- 1) SUCH FACILITY IS OPERATING WITHOUT A LICENSE; (Section 3-415(a) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(a))~~
 - 2) THE DEPARTMENT HAS SUSPENDED, REVOKED OR REFUSED TO RENEW THE LICENSE OF THE FACILITY AS PROVIDED UNDER SECTION 3-119 OF THE ACT. (Section 3-415(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(b))~~
 - 3) THE FACILITY HAS REQUESTED THE AID OF THE DEPARTMENT IN THE TRANSFER OR DISCHARGE OF THE RESIDENT AND THE DEPARTMENT FINDS THAT THE RESIDENT CONSENTS TO TRANSFER OR DISCHARGE; (Section 3-415(c) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(c))~~
 - 4) THE FACILITY IS CLOSING OR INTENDS TO CLOSE AND ADEQUATE ARRANGEMENT FOR RELOCATION OF THE RESIDENT HAS NOT BEEN MADE AT LEAST 30 DAYS PRIOR TO CLOSURE; OR (Section 3-415(d) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(d))~~
 - 5) THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS WHICH REQUIRES IMMEDIATE TRANSFER OR DISCHARGE OF THE RESIDENT. (Section 3-415(e) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(e))~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3300 (continued)

- r) IN DECIDING TO TRANSFER OR DISCHARGE A RESIDENT FROM A FACILITY UNDER SUBSECTION (q) OF THIS SECTION, THE DEPARTMENT SHALL CONSIDER THE LIKELIHOOD OF SERIOUS HARM WHICH MAY RESULT IF THE RESIDENT REMAINS IN THE FACILITY. (Section 3-416 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-416)~~
- s) THE DEPARTMENT SHALL OFFER TRANSFER OR DISCHARGE AND RELOCATION ASSISTANCE TO RESIDENTS TRANSFERRED OR DISCHARGED UNDER SUBSECTIONS (c) THROUGH (q) OF THIS SECTION INCLUDING INFORMATION ON AVAILABLE ALTERNATIVE PLACEMENTS. RESIDENTS SHALL BE INVOLVED IN PLANNING THE TRANSFER OR DISCHARGE AND SHALL CHOOSE AMONG THE AVAILABLE ALTERNATIVE PLACEMENTS, EXCEPT THAT WHERE AN EMERGENCY MAKES PRIOR RESIDENT INVOLVEMENT IMPOSSIBLE, THE DEPARTMENT MAY MAKE A TEMPORARY PLACEMENT UNTIL A FINAL PLACEMENT CAN BE ARRANGED. RESIDENTS MAY CHOOSE THEIR FINAL ALTERNATIVE PLACEMENT AND SHALL BE GIVEN ASSISTANCE IN TRANSFERRING TO SUCH PLACE. NO RESIDENT MAY BE FORCED TO REMAIN IN A TEMPORARY OR PERMANENT PLACEMENT. WHERE THE DEPARTMENT MAKES OR PARTICIPATES IN MAKING THE RELOCATION DECISION, CONSIDERATION SHALL BE GIVEN TO PROXIMITY TO THE RESIDENT'S RELATIVES AND FRIENDS. THE RESIDENT SHALL BE ALLOWED ~~3~~ THREE VISITS TO POTENTIAL ALTERNATIVE PLACEMENTS PRIOR TO REMOVAL, EXCEPT WHERE MEDICALLY CONTRAINDICATED OR WHERE THE NEED FOR IMMEDIATE TRANSFER OR DISCHARGE REQUIRES REDUCTION IN THE NUMBER OF VISITS. (Section 3-417 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-417)~~
- t) THE DEPARTMENT SHALL PREPARE RESIDENT TRANSFER OR DISCHARGE PLANS TO ASSURE SAFE AND ORDERLY REMOVALS AND PROTECT RESIDENTS' HEALTH, SAFETY, WELFARE AND RIGHTS. IN NONEMERGENCIES AND WHERE POSSIBLE IN EMERGENCIES, THE DEPARTMENT SHALL DESIGN AND IMPLEMENT SUCH PLANS IN ADVANCE OF TRANSFER OR DISCHARGE. (Section 3-418 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-418)~~
- u) THE DEPARTMENT MAY PLACE RELOCATION TEAMS IN ANY FACILITY FROM WHICH RESIDENTS ARE BEING DISCHARGED OR TRANSFERRED FOR ANY REASON, FOR THE PURPOSE OF IMPLEMENTING TRANSFER OR DISCHARGE PLANS. (Section 3-419 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-419)~~
- v) IN ANY TRANSFER OR DISCHARGE CONDUCTED UNDER SUBSECTIONS (q) THROUGH (t) OF THIS SECTION THE DEPARTMENT SHALL:
- 1) PROVIDE WRITTEN NOTICE TO THE FACILITY PRIOR TO THE TRANSFER OR DISCHARGE. THE NOTICE SHALL STATE THE BASIS FOR THE ORDER OF TRANSFER OR DISCHARGE AND SHALL INFORM THE FACILITY OF ITS RIGHT TO AN INFORMAL CONFERENCE PRIOR TO TRANSFER OR DISCHARGE UNDER THIS SECTION, AND ITS RIGHT TO A SUBSEQUENT HEARING UNDER

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3300(v)(1) (continued)

SUBSECTION (x) OF THIS SECTION. IF A FACILITY DESIRES TO CONTEST A NONEMERGENCY TRANSFER OR DISCHARGE, PRIOR TO TRANSFER OR DISCHARGE IT SHALL, WITHIN FOUR ~~(4)~~ WORKING DAYS AFTER RECEIPT OF THE NOTICE, SEND A WRITTEN REQUEST FOR AN INFORMAL CONFERENCE TO THE DEPARTMENT. THE DEPARTMENT SHALL, WITHIN FOUR ~~(4)~~ WORKING DAYS FROM THE RECEIPT OF THE REQUEST, HOLD AN INFORMAL CONFERENCE IN THE COUNTY IN WHICH THE FACILITY IS LOCATED. FOLLOWING THIS CONFERENCE, THE DEPARTMENT MAY AFFIRM, MODIFY OR OVERRULE ITS PREVIOUS DECISION. EXCEPT IN AN EMERGENCY, TRANSFER OR DISCHARGE MAY NOT BEGIN UNTIL THE PERIOD FOR REQUESTING A CONFERENCE HAS PASSED OR, IF A CONFERENCE IS REQUESTED, UNTIL AFTER A CONFERENCE HAS BEEN HELD; AND (Section 3-420(a) of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-420(a))~~

2) PROVIDE WRITTEN NOTICE TO ANY RESIDENT TO BE REMOVED, TO THE RESIDENT'S REPRESENTATIVE, IF ANY, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE, PRIOR TO THE REMOVAL. THE NOTICE SHALL STATE THE REASON FOR WHICH TRANSFER OR DISCHARGE IS ORDERED AND SHALL INFORM THE RESIDENT OF THE RESIDENT'S RIGHT TO CHALLENGE THE TRANSFER OR DISCHARGE UNDER SUBSECTION (x) OF THIS SECTION. THE DEPARTMENT SHALL HOLD AN INFORMAL CONFERENCE WITH THE RESIDENT OR THE RESIDENT'S REPRESENTATIVE PRIOR TO TRANSFER OR DISCHARGE AT WHICH THE RESIDENT OR THE REPRESENTATIVE MAY PRESENT ANY OBJECTIONS TO THE PROPOSED TRANSFER OR DISCHARGE PLAN OR ALTERNATIVE PLACEMENT. (Section 3-420(b) of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-420(b))~~

w) IN ANY TRANSFER OR DISCHARGE CONDUCTED UNDER SUBSECTION (q)(5) OF THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE FACILITY AND ANY RESIDENT TO BE REMOVED THAT AN EMERGENCY HAS BEEN FOUND TO EXIST AND REMOVAL HAS BEEN ORDERED, AND SHALL INVOLVE THE RESIDENTS IN REMOVAL PLANNING IF POSSIBLE. FOLLOWING EMERGENCY REMOVAL, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO THE FACILITY, TO THE RESIDENT, TO THE RESIDENT'S REPRESENTATIVE, IF ANY, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE, OF THE BASIS FOR THE FINDING THAT AN EMERGENCY EXISTED AND OF THE RIGHT TO CHALLENGE REMOVAL UNDER SUBSECTION (x) OF THIS SECTION. (Section 3-421 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-421)~~

x) WITHIN ~~10~~ TEN DAYS FOLLOWING TRANSFER OR DISCHARGE, THE FACILITY OR ANY RESIDENT TRANSFERRED OR DISCHARGED MAY SEND A WRITTEN REQUEST TO THE DEPARTMENT FOR A HEARING UNDER SECTION 3-703 OF THE ACT ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-703)~~ TO CHALLENGE THE TRANSFER OR DISCHARGE. THE DEPARTMENT SHALL HOLD THE HEARING WITHIN

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3300(x) (continued)

30 DAYS OF RECEIPT OF THE REQUEST. WHERE A CHALLENGE IS BY A RESIDENT, THE HEARING SHALL BE HELD AT A LOCATION CONVENIENT TO THE RESIDENT. IF THE FACILITY PREVAILS, IT MAY FILE A CLAIM AGAINST THE STATE UNDER THE ~~3~~COURT OF CLAIMS ACT ~~111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-423~~ FOR PAYMENTS LOSS LESS EXPENSES SAVED AS A RESULT OF THE TRANSFER OR DISCHARGE. NO RESIDENT TRANSFERRED OR DISCHARGED MAY BE HELD LIABLE FOR THE CHARGE FOR CARE WHICH WOULD HAVE BEEN MADE HAD THE RESIDENT REMAINED IN THE FACILITY. IF A RESIDENT PREVAILS, THE RESIDENT MAY FILE A CLAIM AGAINST THE STATE UNDER THE ~~3~~COURT OF CLAIMS ACT ~~111. Rev. Stat. 1985, ch. 37, par. 439.1 et seq.~~ FOR ANY EXCESS EXPENSES DIRECTLY CAUSED BY THE ORDER TO TRANSFER OR DISCHARGE. THE DEPARTMENT SHALL ASSIST THE RESIDENT IN RETURNING TO THE FACILITY IF ASSISTANCE IS REQUESTED. (Section 3-422 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-422)~~

y) ANY OWNER OF A FACILITY LICENSED UNDER THIS ACT SHALL GIVE 90 DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OF MORE THAN ~~10%~~ TEN PERCENT OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENT WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE FACILITY SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER SUBSECTION (u) OF THIS SECTION. (A, B, C) (Section 3-423 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-423)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3310 Complaint Procedures

a) A RESIDENT SHALL BE PERMITTED TO PRESENT GRIEVANCES ON BEHALF OF HIMSELF AND OTHERS TO THE ADMINISTRATOR, THE LONG-TERM CARE FACILITY ADVISORY BOARD, THE RESIDENTS' ADVISORY COUNCIL, STATE GOVERNMENTAL AGENCIES OR OTHER PERSONS WITHOUT THREAT OF DISCHARGE OR REPRISAL IN ANY FORM OF MANNER WHATSOEVER. ~~(6)~~ (Section 2-212 of the Act)

Section 350.3310 (continued)

- b) THE FACILITY ADMINISTRATOR SHALL PROVIDE ALL RESIDENTS OR THEIR REPRESENTATIVES WITH THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPROPRIATE STATE GOVERNMENTAL OFFICE WHERE COMPLAINTS MAY BE LOGGED. ~~(6)~~ (Section 2-212 of the Act)
- c) A PERSON WHO BELIEVES THAT THE ACT OR A RULE PROMULGATED UNDER THE ACT MAY HAVE BEEN VIOLATED MAY REQUEST AN INVESTIGATION. THE REQUEST MAY BE SUBMITTED TO THE DEPARTMENT IN WRITING, BY TELEPHONE, OR BY PERSONAL VISIT. AN ORAL COMPLAINT SHALL BE REDUCED TO WRITING BY THE DEPARTMENT. (Section 3-702(a) of the Act)
- d) THE SUBSTANCE OF THE COMPLAINT SHALL BE PROVIDED TO THE LICENSEE, OWNER OR ADMINISTRATOR NO EARLIER THAN AT THE COMMENCEMENT OF THE ON-SITE INSPECTION OF THE FACILITY WHICH TAKES PLACE PURSUANT TO THE COMPLAINT. (Section 3-702(b) of the Act)
- e) THE DEPARTMENT SHALL NOT DISCLOSE THE NAME OF THE COMPLAINANT UNLESS THE COMPLAINANT OR RESIDENT CONSENTS IN WRITING TO THE DISCLOSURE OR THE INVESTIGATION RESULTS IN A JUDICIAL PROCEEDING, OR UNLESS DISCLOSURE IS ESSENTIAL TO THE INVESTIGATION. THE COMPLAINANT SHALL BE GIVEN THE OPPORTUNITY TO WITHDRAW THE COMPLAINT BEFORE DISCLOSURE. UPON THE REQUEST OF THE COMPLAINANT, THE DEPARTMENT MAY PERMIT THE COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY. (Section 3-702(c) of the Act)
- f) UPON RECEIPT OF A COMPLAINT, THE DEPARTMENT SHALL DETERMINE WHETHER THE ACT OR A RULE PROMULGATED UNDER THE ACT HAS BEEN OR IS BEING VIOLATED. THE DEPARTMENT SHALL INVESTIGATE ALL COMPLAINTS ALLEGING ABUSE OR NEGLECT WITHIN ~~7~~ SEVEN DAYS AFTER THE RECEIPT OF THE COMPLAINT EXCEPT THE COMPLAINTS OF ABUSE OR NEGLECT WHICH INDICATE THAT A RESIDENT'S LIFE OR SAFETY IS IN IMMINENT DANGER SHALL BE INVESTIGATED WITH 24 HOURS AFTER RECEIPT OF THE COMPLAINT. ALL OTHER COMPLAINTS SHALL BE INVESTIGATED WITHIN 30 DAYS AFTER THE RECEIPT OF THE COMPLAINT. ALL COMPLAINTS SHALL BE CLASSIFIED AS "VALID" OR "INVALID". FOR ANY COMPLAINT CLASSIFIED AS "INVALID", THE DEPARTMENT MUST DETERMINE WITHIN 30 WORKING DAYS IF ANY RULE OR PROVISION OF THIS ACT HAS BEEN OR IS BEING VIOLATED. (Section 3-702(d) of the Act)
- g) UPON THE REQUEST OF A RESIDENT OR COMPLAINANT, THE DEPARTMENT MAY PERMIT THE RESIDENT OR COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY PURSUANT TO THE COMPLAINT. (Section 3-702(c) of the Act)
- h) IN ALL CASES, THE DEPARTMENT SHALL INFORM THE COMPLAINANT OF ITS FINDINGS WITHIN ~~10~~ TEN DAYS OF ITS DETERMINATION UNLESS OTHERWISE

Section 350.3310(h) (continued)

- INDICATED BY THE COMPLAINANT, AND THE COMPLAINANT MAY DIRECT THE DEPARTMENT TO SEND A COPY OF SUCH FINDINGS TO ANOTHER PERSON. THE DEPARTMENT'S FINDINGS MAY INCLUDE CONTENTS OF DOCUMENTATION PROVIDED BY EITHER THE COMPLAINANT OR THE LICENSEE PERTAINING TO THE COMPLAINT. THE DEPARTMENT SHALL ALSO NOTIFY THE FACILITY OF SUCH FINDINGS WITHIN ~~10~~ TEN DAYS OF THE DETERMINATION, BUT THE NAME OF THE COMPLAINANT OR RESIDENTS SHALL NOT BE DISCLOSED IN THIS NOTICE TO THE FACILITY. THE NOTICE OF SUCH FINDINGS SHALL INCLUDE A COPY OF THE WRITTEN DETERMINATION; THE CORRECTION ORDER, IF ANY; THE INSPECTION REPORT; OR WARNING NOTICE, IF ANY; AND THE STATE LICENSEURE ON WHICH THE VIOLATION IS LISTED. (Section 3-702(e) of the Act)
- i) A WRITTEN DETERMINATION, CORRECTION ORDER, OR WARNING NOTICE CONCERNING A COMPLAINT SHALL BE AVAILABLE FOR PUBLIC INSPECTION, BUT THE NAME OF THE COMPLAINANT OR RESIDENT SHALL NOT BE DISCLOSED WITHOUT THE ~~his~~ CONSENT OF THE COMPLAINANT OR RESIDENT. (Section 3-702(f) of the Act)
- j) A COMPLAINANT WHO IS DISSATISFIED WITH THE DETERMINATION OR INVESTIGATION BY THE DEPARTMENT MAY REQUEST A HEARING UNDER SUBSECTION (k) OF THIS SECTION ~~below~~. THE FACILITY SHALL BE GIVEN NOTICE OF ANY SUCH HEARING AND MAY PARTICIPATE IN THE HEARING AS A PARTY. IF A FACILITY REQUESTS A HEARING UNDER SUBSECTION (k) OF THIS SECTION ~~below~~ WHICH CONCERNS A MATTER COVERED BY A COMPLAINT, THE COMPLAINANT SHALL BE GIVEN WRITTEN NOTICE AND MAY PARTICIPATE IN THE HEARING AS A PARTY. A REQUEST FOR A HEARING BY EITHER A COMPLAINANT OR A FACILITY SHALL BE SUBMITTED IN WRITING TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE MAILING OF THE DEPARTMENT'S FINDINGS AS DESCRIBED IN SUBSECTION (h) OF THIS SECTION ~~above~~. UPON RECEIPT OF THE REQUEST THE DEPARTMENT SHALL CONDUCT A HEARING AS PROVIDED UNDER SUBSECTION (j) OF THIS SECTION ~~above~~. (Section 3-702(g) of the Act)
- k) Any person aggrieved by a decision of the Department ~~of a facility~~ rendered in a particular case which affects the legal rights, duties or privileges created under the ~~this~~ Act may have such decision reviewed in accordance with Sections 3-703 through ~~the~~ 3-712 of the Act.
- l) When the Department finds that a provision of Article II of the Act regarding residents' rights has been violated with regard to a particular resident, the Department shall issue an order requiring the facility to reimburse the resident for injuries incurred, or \$100, whichever is greater.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3320 Confidentiality

- a) THE DEPARTMENT, THE FACILITY AND ALL OTHER PUBLIC OR PRIVATE AGENCIES SHALL RESPECT THE CONFIDENTIALITY OF A RESIDENT'S RECORD AND SHALL NOT DIVULGE OR DISCLOSE THE CONTENTS OF A RECORD IN A MANNER WHICH IDENTIFIES A RESIDENT, EXCEPT UPON A RESIDENT'S DEATH TO A RELATIVE OR GUARDIAN, OR UNDER JUDICIAL PROCEEDINGS. THIS SECTION ~~REGULATION~~ SHALL NOT BE CONSTRUED TO LIMIT THE RIGHT OF A RESIDENT OR A RESIDENT'S REPRESENTATIVE TO INSPECT OR COPY THE RESIDENT'S RECORDS. (Section 2-206(a) of the Act)
- b) CONFIDENTIAL MEDICAL, SOCIAL, PERSONAL, OR FINANCIAL INFORMATION IDENTIFYING A RESIDENT SHALL NOT BE AVAILABLE FOR PUBLIC INSPECTION IN A MANNER WHICH IDENTIFIES A RESIDENT. (~~B-1-G~~) (Section 2-206(b) of the Act)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3330 Facility Implementation

- a) THE FACILITY SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES TO IMPLEMENT THE RESPONSIBILITIES AND RIGHTS PROVIDED IN ARTICLE II OF THE ACT. THE POLICIES SHALL INCLUDE THE PROCEDURE FOR THE INVESTIGATION AND RESOLUTION OF RESIDENT COMPLAINTS UNDER THE ACT. THE POLICIES SHALL BE CLEAR AND UNAMBIGUOUS AND SHALL BE AVAILABLE FOR INSPECTION BY ANY PERSON. A SUMMARY OF THE POLICIES AND PROCEDURES, PRINTED IN NOT LESS THAN 12 POINT TYPE, SHALL BE DISTRIBUTED TO EACH RESIDENT AND REPRESENTATIVE. ~~4G~~ (Section 2-210 of the Act)
- b) The facility shall provide copies of these policies and procedures upon request to next of kin, sponsoring agencies representative payees and the public. ~~4G~~
- c) EACH RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY OF ALL THE RIGHTS ENUMERATED IN PART I OF ARTICLE II OF THE ACT AT THE TIME OF ADMISSION TO A FACILITY OR AS SOON THEREAFTER AS THE CONDITION OF THIS RESIDENT PERMITS. AT THE TIME OF IMPLEMENTATION OF THE ACT EACH RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY OF ALL THE RIGHTS ENUMERATED IN PART I OF ARTICLE II OF THE ACT. IF A RESIDENT IS UNABLE TO READ SUCH WRITTEN SUMMARY, IT SHALL BE READ TO THE RESIDENT IN A LANGUAGE THE RESIDENT UNDERSTANDS. IN THE CASE OF A MINOR OR A PERSON HAVING A GUARDIAN, BOTH THE RESIDENT AND THE PARENT OR GUARDIAN SHALL BE FULLY INFORMED OF THESE RIGHTS AND RESPONSIBILITIES. ~~4G~~ (Section 2-211 of the Act)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3330 (continued)

- d) The resident, resident's representative, guardian, or parent of a minor resident shall acknowledge in writing the receipt from the facility of a copy of all resident rights set forth in Article II of the Act and a copy of all facility policies implementing such rights. ~~4G~~
- e) THE FACILITY SHALL ENSURE THAT ITS STAFF IS FAMILIAR WITH AND OBSERVES THE RIGHTS AND RESPONSIBILITIES ENUMERATED IN THE ACT AND THIS PART ~~THESE REGULATIONS~~. (~~B-1-G~~) (Section 2-211 of the Act)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF ~~FIFTEEN~~ ~~15~~ BEDS OR LESSSection 350.3710 Applicability of Other Provisions of this Part ~~Divisions~~
~~of these Minimum Standards, Rules and Regulations~~

- a) An Intermediate Care Facility for the Developmentally Disabled of ~~fifteen~~ ~~15~~ Beds or Less is a facility licensed as an intermediate care facility for the developmentally disabled (ICF/DD) for ~~fifteen~~ ~~15~~ or fewer residents.
- b) The standards and regulations stated in other divisions of this publication shall apply to this type of facility unless indicated otherwise in this Subpart P ~~Division~~, by substitutions ~~and/or~~ or additions.
- c) An Intermediate Care Facility for the Developmentally Disabled of ~~fifteen~~ ~~15~~ Beds or Less shall consist of no more than one ~~11~~ building housing a maximum of ~~fifteen~~ ~~15~~ residents.
- 1) Housing for developmentally disabled persons shall be located on non-adjacent sites and shall be similar in design and construction as other buildings and dwellings within the area. An ICF/DD-15 Bed or Less Facility shall not be physically part of another facility or residential program licensed or funded by the state. A distance of at least 300 feet must separate an ICF/DD-15 Bed or Less facility from other state licensed or state funded residential facilities. (A, B, ~~G~~)
- 2) Any facility which is already licensed as an ICF/DD of 15 Beds or Less, and which does not meet the criteria listed in subsection ~~Section 350.3710~~ (c)(1) of this Section, may

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3710(c)(2) (continued)

continue to operate as it was prior to the effective date of ~~this rule~~ this Subpart P, as long as it remains continuously licensed. However, the criteria listed in subsection ~~Section 350.3710~~ (c)(1) of this Section shall apply on any date the license terminates by operation of law, such as a change of ownership, voluntary closing of the facility by the licensee, or the license being revoked by the Department.

- 3) Any facility having submitted an application for a permit or having been issued a permit from the Illinois Health Facilities Planning Board to establish an ICF/DD of 15 Beds or Less which does not meet the criteria listed in subsection ~~Section 350.3710~~ (c)(1) of this Section may establish and operate such a facility, if it is licensed no later than six ~~(6)~~ months after the effective date of the permit. However, the criteria listed in subsection ~~Section 350.3710~~ (c)(1) of this Section shall apply if the facility fails to obtain a license within six ~~(6)~~ months after the effective date of the permit, or on any date the license of such facility terminates by operation of law, such as a change of ownership, voluntary closing of the facility by the licensee, or the license being revoked by the Department.

- d) Every facility applying for licensure as ICF/DD of ~~Fifteen~~ (15) Beds or Less, after the effective date of this Subpart P ~~these Standards~~, shall meet all the requirements contained in this Subpart P ~~these regulations~~. This is required both for newly constructed building and existing buildings converting to this type of licensure.

- e) Any person wishing to establish an ICF/DD of ~~Fifteen~~ (15) Beds or Less facility must obtain a permit from the Illinois Health Facilities Planning Board. ~~See Section 350.110(f)~~.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3720 Administration

- a) The administrator is responsible for ensuring that the facility remains in compliance with the Act and this Subpart P ~~all rules listed herein~~, and that all resident care plans are carried out as written. The administrator need not be full-time as required by Section 350.510(a), but shall spend at least four hours per week in the facility in the performance of these duties. (B)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3720 (continued)

- b) No person shall be the Administrator of more than four ~~(4)~~ licensed ICF/DD of ~~Fifteen~~ (15) Beds or Less.
- c) In the absence of the Administrator, the Resident Services Director shall be responsible for the overall operation of the facility.
- d) In the absence of both the Administrator and the Resident Services Director, there shall be delegated written adequate authority and supervisory responsibility to a person at least ~~eighteen~~ (18) years of age who is capable of acting in an emergency during their absence. Such administrative assignments shall not interfere with resident care and supervision. (B, ~~G~~)
- e) One person may perform the functions of both an Administrator and Resident Services Director. However this person must meet the requirements as set forth in Subpart B as modified by this Section. (B, ~~G~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3730 Admission and Discharge Policies

- a) Residents shall only be admitted who have had a comprehensive evaluation covering physical, emotional, social and cognitive factors, conducted by an appropriately constituted, interdisciplinary team. As part of this evaluation the team shall determine the capabilities of the resident's ability for self-preservation. (B, ~~G~~)
- b) No residents shall be admitted to, nor kept in, the facility who are not ambulatory. In addition, all residents must be able to move about without assistance from other persons and must be able to take action for self-preservation under emergency situations. ~~(G)~~
- c) Each resident of an ICF/DD of ~~Fifteen~~ (15) Beds or Less shall be either employed or enrolled in an external day program, off the grounds of the facility, at least ~~two hundred~~ (200) days per year, five ~~(5)~~ hours per day. A resident may participate in more than one ~~(1)~~ program to meet this requirement.
- 1) The provision of employment or enrollment in a day program shall be documented in the resident's individual habilitation plan.
- 2) Each interdisciplinary team review shall include a review of the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3730(c)(2) (continued)

resident's day program to assure consistent program planning and implementation.

- 3) When possible, representatives from the resident's employment or day program shall participate in the interdisciplinary team review.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3740 Personnel

The Resident Services Director shall be responsible for ensuring that all recommendations in the individual plan of care are carried out as stated in the plan. In no case shall the Resident Services Director spend less than two ~~(2)~~ hours per week per resident in the performance of these duties. (B-~~2~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3750 Consultation Services and Nursing Services

An ICF/DD of ~~fifteen (15)~~ Beds Or Less, shall admit only residents certified by a physician as not in need of professional nursing services. Arrangements shall be made through formal contract for the services of a registered nurse or public health nurse to visit as required for the care of minor illnesses, injuries or emergencies, and to provide consultation on the health aspects of the individual plans of care. A responsible staff member shall be on duty at all times who is immediately accessible, and to whom residents can report injuries, symptoms of illness, and emergencies (see Section 350.810(a)). The consultant nurse shall give this consultation in the facility not less than two ~~(2)~~ hours per month. (B-~~2~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3760 Medication Policies

- a) In order for each resident to attain the highest possible level of independent functioning, ~~he/she~~ all residents shall be permitted to participate in ~~his/her~~ their total health care program. This program shall include, but not be limited to, resident training in preventive health and self-medication procedures provided by a licensed nurse. Every facility shall adopt written preventive health

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3760(a) (continued)

and self-medication policies and procedures, which are consistent with the purpose of the ~~Nursing Home Care Reform Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 415-101 et seq.)~~ and this Part and which shall be followed in the operation of the facility, for assisting residents in obtaining preventive health and self-medication skills. (A, B-~~6~~)

- 1) These policies and procedures shall be developed with consultation from an Illinois registered professional nurse and a registered pharmacist. These policies and procedures shall be part of the written program of care and services. (See Section 350.620). (B-~~6~~)

- 2) If the policies of the facility permit residents to be totally responsible for their own medication, when the attending physician gives written permission for such action, the policies of the facility shall provide that the resident and attending physician shall be given written statements concerning the relative responsibilities of each of the three parties, ~~(the resident, or any other persons, suffer suffers harm due to residents' the resident's actions in handling his/her their own medications. (C)~~

- b) No facility shall operate a pharmacy. ~~(C)~~

- c) A facility may stock only drugs which are regularly available without prescription at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics. These shall be given to a resident only upon the written order of the physician, dentist, or podiatrist; shall be administered from the original containers; and shall be recorded in the resident's clinical record. ~~(C)~~

- d) No emergency medication kit shall be maintained in this type of facility. ~~(C)~~

- e) Nursing stations are not required in this type of facility.

- f) Current medical references are not required in this type of facility.

- g) All medications on individual prescription or from the physician's personal supply shall be properly labeled as set forth in Section 350.3760(q).

Section 350.3760(g) (continued)

- 1) All other medications shall be authorized by a physician for individual resident use, and shall be clearly identified with the resident's name. (A, B, ~~C~~)
- 2) Attending physicians shall review the medication regimen of each resident at least every six ~~(6)~~ months. Documentation of this review shall be entered in the resident's record. (B, ~~C~~)
- h) All medications used by residents shall be properly recorded by facility staff at time of use. See Section 350.1620(g). A medication record need not be kept for those residents for whom the attending physician has given permission to keep their medication in their room and to be fully responsible for taking the medications in the correct dosage and at the proper times themselves. (~~C~~)
- i) Bottled oxygen may not be administered in a facility, except in an emergency. Not more than one 12 pound portable size tank of oxygen for such an emergency use shall be kept in the facility. However, use of an oxygen concentrator is permitted when prescribed by a physician for a resident. The facility must be in compliance with directions for use of such equipment as established by the manufacturer. (A, B, ~~C~~)

j) All discontinued legend or controlled drugs, all medications having an expiration date that has passed, and all medications of residents who have expired, shall be disposed of in accordance with the rules and regulations of the Federal Drug Enforcement Administration by the prescribing physician or the consultant pharmacist. A notation of their disposition shall be made in the resident's record. (B, ~~C~~)

k) All medications taken by residents in this type of facility must be administered by a nurse or physician licensed to practice in Illinois unless the medication is self-administered by the resident. Facility staff shall not administer medication to residents unless the staff person is a properly licensed nurse or physician. (B, ~~C~~)

l) The facility shall provide either directly or through arrangements with the consultant nurse, as determined to be necessary by the facility's medical staff or the resident's personal physician, training and supervision necessary for each resident to gain independence in self-administering their ~~his/her~~ own medications ~~and/or~~ and biologicals (such as serums, vaccines, antigens, or antitoxins), as approved in writing by the resident's personal physician. (B, ~~C~~)

Section 350.3760(k) (continued)

2) All residents ~~Each resident~~ shall be evaluated by the facility's interdisciplinary team for the purpose of determining ~~his/her~~ their self-medication capability. Each resident determined to need training in self-medication shall have written training and habilitation objectives developed by the interdisciplinary team based upon this evaluation and stated in specific behavioral terms that permit the progress of the resident to be assessed and recorded. (B, ~~C~~)

3) Facility staff may assist a resident in the self-administration of medications by taking the medication from the locked area where it is stored and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident. Facility staff may also assist physically impaired residents, such as those who have arthritis, cerebral palsy, or Parkinson's disease, ~~etc.~~ in the removal of the medication from the container and in assisting the resident in consuming or applying the medication when requested to do so by the resident. (For example, a staff member may place a dose of medicine in a container and place the container to the mouth of a resident who would not be able to do so ~~himself~~ without spilling it.) (B, ~~C~~)

4) To be considered "capable of self-administering ~~his/her~~ their own medications ~~and/or~~ and biologicals," a resident must, at a minimum, be able to identify ~~his/her~~ their medication by size, shape, and color ~~etc.~~, and know when ~~he/she is to~~ they should take it, and the amount to be taken each time. (B, ~~C~~)

1) All medications shall be stored under lock and key at all times. The storage area shall be well lighted and of sufficient size to permit storage without crowding. This area may be a metal container, drawer, cabinet, closet, or room. A separate medication room is not required. (B, ~~C~~)

m) The key to the medicine area shall be the responsibility of, and in the possession of, the staff persons responsible for overseeing the self-administration of medications by residents. (B, ~~C~~)

1) The medicine area shall not be used for any other purpose. However, for those persons whom the attending physician has given written permission to handle their own medication, medications may be stored in a locked metal container, drawer, or cabinet in the resident's room along with other possessions

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3760(m)(1) (continued)

of that resident. (B-~~7~~-C-)

- 2) Residents for whom the attending physician has given permission to be totally responsible for their own medication shall maintain possession of the key, or combination of the lock, to their own medication storage area. A duplicate key or a copy of the combination shall be kept by the facility in its safe, or some other secure place, for emergency use, such as if residents ~~the resident should~~ lose or misplace ~~his/her~~ their key, or forget the combination. (B-~~7~~-C-)

- n) Medications for external use shall be kept in a separate location in the medicine area or in a separate locked area. (B-~~7~~-C-)
- o) All poisonous substances and other hazardous compounds shall be kept in a separate locked area away from medications. (B-~~7~~-C-)

- p) Biologicals or medications requiring refrigeration shall be kept in a separate, securely fastened locked container in a refrigerator, or in a locked refrigerator. (B-~~7~~-C-)

- q) The label of each individual medication container filled by a pharmacist shall clearly indicate the resident's full name, physician's name, prescription number, name and strength of drug, amount of drug, date of issue, expiration date of all time-dated drugs; name, address, and telephone number of pharmacy issuing the drug; and the initials of the pharmacist filling the prescription. If the individual medication container is filled by a physician from ~~his/her~~ the physician's own supply, the label shall clearly indicate all the preceding information except that pertaining to the identification of the pharmacy, pharmacist, and prescription number. (B-~~7~~-C-)

- r) Medication containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or dispensing physician for relabeling or disposal. Containers having no labels shall be destroyed in accordance with Federal and State laws. (B-~~7~~-C-)

- s) The medications of each resident shall be kept and stored in their originally received containers. Medications shall not be transferred between containers. (B-~~7~~-C-)

Attorney General's Opinion File No. S-1033, dated January 9, 1976, concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3760 (continued)

Illinois Nursing Act (Ill. Rev. Stat. 1973, ch. 91, par. 3522 et seq.), and, as such, cannot be performed by persons who are not licensed as either Registered Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aides, orderlies, attendants, and other auxiliary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes."

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3770 Food Services

- a) The food service in each facility shall be under the operational supervision of a manager or supervisor who has been certified in food service sanitation in accordance with Subpart C of the Department's rules entitled ~~for~~ "Food Service Sanitation" (77 Ill. Adm. Code 750) ~~of the Illinois Department of Public Health~~. This person need not be a dietitian or a dietetic service supervisor as required in Section 350.1810(a)(1). This person shall be responsible for ensuring that the food service is in compliance with Section 350.3770 of this Part ~~these Rules~~. This person shall spend at least four ~~44~~ hours a week in the performance of these duties. (B-~~7~~-C-)
- b) If the person responsible for the food services is not a dietitian he or she shall consult with a dietitian no less than two ~~42~~ hours per month. ~~(C-)~~
- c) Food should be prepared and served family style to approximate, as nearly as possible, a family living situation. Residents should be allowed and encouraged to serve themselves the appropriate amount of food for a properly balanced diet. Residents shall be allowed and encouraged to choose their own seating arrangements. ~~(C-)~~
- d) The facility shall have available at least one ~~41~~ copy of a current diet manual acceptable to this Department, located in the kitchen and available to dietary personnel. ~~(C-)~~
- e) New or replacement kitchen equipment need not be of an institutional type.
- f) ICF/DD of 15 Beds or Less shall also ~~need only~~ comply with the ~~following~~ Sections of the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750) ~~which are listed in 1983 (See Table D-)~~.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3780 Codes and Standards

- a) In addition to compliance with the Standards set forth herein, all building codes, ordinances and regulations which are enforced by City, County or other local jurisdictions in which the facility is, or will be located must be observed.
- b) The Federal Government under the certification process requires conformance with the 1967 Life Safety Code for lodging or rooming house occupancy. Since the requirements ~~standards~~ contained in this Subpart ~~P Division~~ are more stringent than lodging or rooming house occupancy of the 1967 Life Safety Code, certification must be based on compliance with the requirements ~~standards~~ contained in this Subpart ~~P I~~.
- c) See Section 350.2620(a)(~~1~~) for all the required Codes and Standards. The following Codes and Standards listed in Section 350.2620(a)(2)(~~1~~) are not required for ICF/DD of ~~fifteen~~ ~~(15)~~ Beds or Less.

1) National Fire Protection Association

- A) NFPA 13-1976, Installation of Sprinkler Systems
- B) NFPA 13A-1976, Care and Maintenance of Sprinkler Systems
- C) NFPA 56F-1974, Standard for Non-Flammable Medical Gas Systems
- D) NFPA 90A-1976, Air Conditioning and Ventilating Systems
- E) NFPA 96-1976, Vapor Removal from Cooking Equipment
- F) NFPA 253-1978, Flooring Radiant Heat Energy Test
- 2) Underwriter's Laboratory, Inc. (UL), Standard No. 181-1974, Factory made Air Duct Materials and Air Duct Connectors
- 3) American Society for Testing and Materials (ASTM), Standard No. E90-1975, Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions
- 4) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE)
- A) Handbook of Fundamentals, 1977

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3780(c)(4)(B) (continued)

- B) Standard No. 52-76, Methods of Testing Air Cleaning Devices Used in General Ventilation for Removing Particulate Matters
- 5) Uniform Building Code (1976 Edition)
- 6) National Standard Plumbing Code (1976 Edition)
- 7) Standard No. A17.1-1971, American National Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Stairs
- 8) HUD FT/TS-24, A Guide to Air Borne, Impact and Structure Borne Noise Control in Multi-Family Dwellings

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3790 Administration and Public Areas

Accommodations (ramps, low thresholds, toilets, lavatories, and drinking fountains) for the physically handicapped (public, staff) shall be provided in administration and public areas, if these areas are located within the facility. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3800 Bedrooms

- a) Each single bedroom used for a resident shall have at least ~~eighty~~ ~~(80)~~ square feet of usable net floor area, not including any space taken up for closets, wardrobes, bathrooms, and clearly definable entryway areas. ~~(C)~~
- b) Each multiple bedroom used for residents shall have for each resident housed in the room at least ~~sixty~~ ~~(60)~~ square feet of usable floor area. Usable area does not include any space utilized for closets, wardrobes, bathrooms, and clearly definable entryway areas. ~~(C)~~ Maximum room capacity shall be two ~~(2)~~ residents. ~~(C)~~
- c) Any resident sleeping room below grade must be dry, and have a window area which shall be at least ten ~~(10)~~ percent of the floor area, and the window sill height must not exceed a maximum of three ~~(3)~~ feet above the floor. Any such room shall have two approved exits to grade level as described in the 1967 Edition of the Life Safety Code for Lodging and Rooming House Occupancy. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3800 (continued)

- d) Vandalproof reading lights are not required as specified in Section 350.3040(c)(2). ~~(c)~~
- e) Each resident shall have access to a toilet room. Access to the toilet does not have to be directly from the bedroom. ~~(c)~~
- f) A closet or wardrobe of at least six ~~(6)~~ square feet shall be provided for each resident. ~~(c)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3810 Nurses Station

A nurses station is not required in Intermediate Care Facilities for the Developmentally Disabled of 15 Beds or Less ~~a requirement~~.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3820 Bath and Toilet Rooms

- a) Bathing facility shall be provided for each eight ~~(8)~~ resident beds per floor which is not otherwise served by bathing facilities adjacent to the resident room. ~~(c)~~
- 1) At least one ~~(1)~~ bathtub or shower and one ~~(1)~~ toilet shall be provided on each floor where resident bedrooms are located. ~~(c)~~
 - 2) Each tub or shower shall be in an individual room or enclosure which provides space for the private use of the bathing fixture. This room shall be large enough to provide space for drying and dressing. ~~(c)~~
 - 3) Showers shall be at least three ~~(3)~~ feet square. ~~(c)~~
 - 4) Shower stalls do not have to be constructed with a low curb or no curb at all.
 - b) One ~~(1)~~ toilet room shall serve no more than eight ~~(8)~~ beds. ~~(c)~~
 - 1) The toilet room shall contain a water closet and a lavatory. ~~(c)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.3820(b) (continued)

- 2) The lavatory may be omitted from a toilet room which serves a resident bedroom if each such resident room contains a lavatory. There shall be at least one toilet on each floor on which bedrooms are located.
- c) Provide a toilet room with a water closet and a lavatory for staff and visitors. ~~(c)~~
- d) Wheelchair toilets for residents are not required.
- e) Training toilets for residents are not required.
- f) Bathtubs and shower stalls for assisted bathing are not required.
- g) Bathing and toilet facilities are not required to be in the same room.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3830 Utility Rooms

- a) A clean utility room and soiled utility room are not required.
- b) A changing room for a linen chute is not required.
- c) A nourishment station is not required.
- d) An examination and treatment room is not required.
- e) Equipment storage rooms for IV stands, inhalators, air mattresses, walkers, and wheelchairs ~~etc.~~ are not required.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3840 Living, Dining, Activity Rooms ~~(c)~~

- a) Provide a minimum of one ~~(1)~~ dining room with at least ten ~~(10)~~ square feet per resident bed. ~~(c)~~
- b) Provide a minimum of one ~~(1)~~ comfortably furnished living room having a total window area of at least one-tenth ~~(1/10)~~ the floor area. Living room to have a minimum of ten ~~(10)~~ square feet per resident bed. ~~(c)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3840 (continued)

- c) The living, dining, ~~and~~ and activity rooms may be combined into one room, and the combined area of these rooms shall not be less than ~~twenty~~ ~~(20)~~ square feet per resident bed. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3850 Therapy and Personal Care

- a) Physical and occupational therapy facilities are not required in an ICF/DD of 15 Beds or Less.
- b) A separate room for hair care and grooming needs is not required in an ICF/DD of 15 Beds or Less.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3860 Kitchen

- a) Every facility shall have a kitchen area, not including food storage area, of approximately ten ~~(10)~~ square feet per resident bed. ~~(C)~~
- b) Provide satisfactory facilities for washing and sanitizing dishes and cooking utensils. A residential type dishwasher is recommended. ~~(B, C)~~

- c) A separate bulk food storage room is not required.

- d) A storage area for cans, carts, and mobile tray conveyors is not required.

- e) A janitor's closet for the exclusive use of food preparation area is not required.

- f) A separate handwashing lavatory, in addition to the two ~~(2)~~ compartment sink, is not required in the kitchen.

- g) The two ~~(2)~~ compartment sink does not have to meet the requirement of Section 350.3030(b)(3).

- h) For facilities which were licensed on or before October 1, 1987, and for which the Department has waived compliance with Section 350.2990(a)(9) prior to that date, compliance with that Section is

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3860(h) (continued)

not required as long as the facility continues to comply with the conditions of the waiver.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3870 Laundry Room

- a) Provide a laundry room equipped with appropriate and satisfactory type equipment of a design to meet the needs of the facility, unless a commercial laundry is used. ~~(C)~~
- b) Laundry facilities shall not be located in rooms used for food storage, preparation, or serving; however, packaged foods, including packaged single-service food articles, may be stored in the laundry room. ~~(C)~~
- c) The laundry room need not be equipped with commercial type equipment, but must be equipped with appropriate and satisfactory type equipment of a design to meet the needs of the facility and the residents. ~~(C)~~
- d) Provide space for the storage of clean linen. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3880 General Building Requirements ~~Building General~~

a) Stairway Dimensions

- 1) If a facility has a stairway, the stairway must have a minimum headroom of six ~~(6)~~ feet, eight ~~(8)~~ inches and a maximum height of ~~twelve~~ ~~(12)~~ feet between landings. A minimum clear width of three ~~(3)~~ feet is required, except for handrails which may project three and one-half ~~(3 1/2)~~ inches on each side. A handrail is required only on one side of the stairs. Width of treads, exclusive of nosing or projection, may not be less than nine ~~(9)~~ inches. Risers may not be more than eight ~~(8)~~ inches. Every stairway landing shall be at least as deep as the width of any stairway door which opens onto the landing. Stairways with triangular or winding treads are permissible providing the stairways are at least three ~~(3)~~ feet wide and the width of each tread is not narrower than six ~~(6)~~ inches at any point. A stairway consisting of a single

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 350.3880(a)(1) (continued)

Section 350.3880(g) (continued)

riser is not acceptable. (B-~~6~~)

- 2) For facilities licensed on or before October 1, 1987, the following exceptions to subsection (a)(1) of this Section shall apply:

- A) For all stairways, a minimum clear width of ~~twenty-six~~
~~(26)~~ inches (rather than three ~~(3)~~ feet) is required.
- B) For stairways with triangular or winding treads, the stairway may be no less than ~~twenty-six~~
~~(26)~~ inches wide (rather than three ~~(3)~~ feet) and the width of each tread may be narrower than six ~~(6)~~ inches for up to 25 percent ~~1/4~~ of the tread.
- C) Such facilities must comply with any additional requirements which may be imposed by the State Fire Marshal.
- b) Handrails at stairways shall be one and one-half ~~(1 1/2)~~ inches in diameter and one and one-half ~~(1 1/2)~~ inches minimum clear of the wall. ~~(6)~~
- c) Every facility shall have a ceiling height of seven ~~(7)~~ feet, six ~~(6)~~ inches or more, throughout all rooms occupied or used by residents. Any projection from the ceiling shall have a clearance of at least six ~~(6)~~ feet, eight ~~(8)~~ inches from the floor. Ceiling heights of basements may be seven ~~(7)~~ feet. ~~(6)~~
- d) Every required exit door to the outside shall be of the side hinged swinging type, and have a minimum width of ~~thirty-six~~
~~(36)~~ inches. ~~(6)~~
- e) Locks on exterior doors shall not require the use of a key for operation from the inside of the building. ~~(6)~~
- f) Every door shall have a latch or other fastening device, which can be released by a simple type of releasing device, such as a knob, handle or panic bar. The method of operating all such releasing devices shall be obvious, even in the dark. ~~(6)~~
- g) The floor on both sides of a door in a means of egress shall be the same elevation on both sides of the door, a distance equal to the width of the widest single door shall be maintained at the landing. When the door discharges to the outside or to an exterior balcony,

exterior exit, or exterior exit access, the floor level outside the door may be one step lower than the inside, but not more than eight ~~(8)~~ inches lower. However, at the two ~~(2)~~ required exits at the first floor there can be no step. This is to provide accessibility for handicapped staff or visitors, if administration and public areas are located within the facility. ~~(6)~~

- h) Every facility shall have either swinging or sliding exterior doors. However, all exterior doors in required means of egress must be of the side-hinged, swinging type. Door closers and panic hardware are not required. ~~(6)~~
- i) The doors for the toilet rooms used by residents shall have a minimum door width of ~~twenty-eight~~
~~(28)~~ inches. (B-~~6~~)
- j) The doors for the resident bedrooms shall have a minimum door width of ~~thirty~~
~~(30)~~ inches. Automatic closers are not required on resident bedroom doors. (B-~~6~~)
- k) Elevators are not required in an ICF/DD of ~~fifteen~~
~~(15)~~ Beds or Less ~~facilities~~.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3890 Corridors

- a) In every facility all corridors used by residents shall have a minimum unobstructed width of three ~~(3)~~ feet, and shall be lighted properly at night and at other times when necessary. If there are handrails, and they project more than three and one-half ~~(3 1/2)~~ inches, the width of the corridor shall be measured between handrails. Handrails are not required. ~~(6)~~
- b) Corridor doors shall be a minimum of one and three-eighths ~~(1 3/8)~~ inches thick solid core wood. Louvers in doors shall not be permitted except as approved by the Department. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3900 Special Care Room

A special care room is not required in Intermediate Care Facilities for the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3900 (continued)

Developmentally Disabled of 15 Beds or Less ~~this type of facility~~.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3910 Exit Facilities and Subdivision of Floor Areas

- a) At least two ~~(2)~~ exits, remote from each other, shall be provided for each floor or fire section of the building used by residents. All exits shall be so arranged as to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening, except that traversing unprotected vertical openings may be permitted in existing sprinklered buildings. At the upper floor level, at least one ~~(1)~~ of the required means of egress shall consist of an interior stairway enclosed at the top and bottom, an enclosed outside stairway, or a horizontal exit. Every sleeping room, unless it has two ~~(2)~~ doors providing separate ways of escape, or has a door opening directly to the outside of the building, shall have at least one ~~(1)~~ outside window which can be opened from the inside, without the use of tools, to provide a clear opening of not less than 16 inches in least dimension and 400 square inches in area, with the bottom of the opening not more than four ~~(4)~~ feet above the floor.
- b) An unenclosed outside stairway may be used as one ~~(1)~~ of the two ~~(2)~~ required means of egress from the second floor, only in existing buildings, subject to the approval of the Department, as determined by an onsite inspection. The inspector will examine the stair for structural stability, height of risers, width of treads, width of stairway, handrails, and maintenance, including decay or dry rot in accordance with standards found in Section 350.3880(a) and (b).
 - 1) Unenclosed outside stairways shall not constitute more than ~~fifty (50)~~ percent of the required exit capacity, in any case. No more than one of the exits from the second floor may be an unenclosed outside stairway. (B-~~6~~)
 - 2) Fire escapes need not be of non-combustible construction.
 - c) Means of egress shall be so arranged that there are no dead end pockets, hallways, corridors, passageways, or courts whose depth exceeds ~~twenty (20)~~ feet. (B-~~6~~)
 - d) Corridor walls shall have a fire-resistive rating of at least one

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3910(d) (continued)

~~(1)~~ hour. Corridor walls may terminate at the underside of the ceiling. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3920 Stairways, Vertical Openings and Doorways

- a) Interior stairways must be enclosed with a minimum of one and three-eighths ~~(1-3/8)~~ inch solid core wood door, with a self-closing device at the top and bottom of the stairway. (B-~~6~~)
- b) There shall be no variation exceeding one-fourth ~~(1/4)~~ inch in the depth of treads or in height of risers in any flight. ~~(6)~~
- c) Usable space under stairs shall not be used for storage. (B-~~6~~)
- d) Means of egress such as stairs, stair landings, balconies, ramps and aisles, located along the edge of open-sided floors and mezzanines, shall have guards to prevent falls over the open side. Each stair shall have handrails on at least one ~~(1)~~ side. (B-~~6~~)
- e) Any light or ventilation shaft, chute and other vertical opening between stories shall be enclosed with construction having a one ~~(1)~~ hour fire resistance rating. (B-~~6~~)
- f) All required exit doors shall be free from any obstruction, chain locking, or holding device. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3930 Hazardous Areas and Combustible Storage

Walls at enclosure of hazardous areas shall have a one-hour fire resistive rating. Doors at enclosure of hazardous areas shall be a minimum of one and three-eighths ~~(1-3/8)~~ inches thick solid core wood, with automatic closer. Hazardous areas include the following: kitchens, furnace and heater rooms, landries Rooms or spaces, including repair shops, used for the storage of combustible supplies and equipment in quantities deemed hazardous by the authority having jurisdiction. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3940 Mechanical Systems

Thermal and acoustical insulation requirements ~~as shown previously in~~ Section 350.2720(b) of this Part ~~these standards does~~ do not apply to ICF/DD facilities of ~~fifteen (15)~~ beds or less.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3950 Heating, Cooling, and Ventilating Systems

- a) Air conditioning and ventilation systems shall be designed, installed and maintained as required by NFPA 90B. (~~B-6~~)
- b) Compliance with pressure relationships and ventilation rates as shown in Table B, ~~following Rule 52-12-04-09,~~ is not required.
- c) Vapor removal from cooking equipment in conformance with NFPA Standard 96 is not required.
- d) Provide a range hood with fan for the removal of smoke or grease-laden vapors. If the hood does not discharge directly to the outside, then a recirculating type exhaust hood with cleaning and deodorizing elements is acceptable. (~~C~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3960 Plumbing Systems

- a) Wrist blade handles are not required on lavatories.
- b) Clinical rim flush sinks are not required.
- c) Plumbing fixtures are not required to have quiet operating type flush valves.
- d) Hot water distribution systems shall be arranged to provide hot water at each hot water outlet. Hot water may be higher than 110 ~~F~~ degrees Fahrenheit if the hot water taps are in supervised areas and the purpose of the higher temperature is to train residents in the use of hot water. If a temperature higher than 110 ~~F~~ degrees Fahrenheit is used, all residents having access to those hot water taps must be able to demonstrate the ability to mix water appropriately and safely. (~~B-6~~)
- e) Hot water need not be 140 ~~F~~ degrees Fahrenheit for washing dishes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.3960(e) (continued)

or 180 degrees Fahrenheit for doing laundry, but rather be set at the equipment manufacturer's recommended settings, when residential type dishwashing and laundry equipment are used in this type of facility instead of commercial type equipment. (~~B-6~~)

- f) Existing ordinary and frame buildings of less than one hour rated construction are required to be sprinklered. All other construction types do not require sprinklers. Facilities of eight ~~(8)~~ beds or less will not be required to have a sprinkler system, if the facility has been inspected by the Office of the State Fire Marshal and found not to need a sprinkler system, as evidenced by a written report to the Department from the Office of the State Fire Marshal so stating. (~~B-6~~)
- g) A separate sink for potwashing is not required.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3970 Electrical Systems

- a) Resident's rooms shall have general lighting. At least one ~~(1)~~ light fixture shall be switched at the entrance to each resident room. (~~C~~)
- b) Duplex Receptacles in Resident Bedrooms
 - 1) There shall be one duplex receptacle for each ~~twelve (12)~~ lineal feet of wall space in bedrooms. Doors are not included in measuring wall space. Receptacles shall be located at convenient places. (~~C~~)
 - 2) For facilities which are licensed on or before October 1, 1987, and for which the Department has waived compliance with subsection (b)(1) of this Section prior to that date, compliance with that subsection is not required as long as the facility continues to comply with the conditions of the waiver.
 - c) At least one duplex receptacle shall be installed in all corridors which are ten ~~(10)~~ feet or longer in length. (~~C~~)
 - d) Panelboards serving lighting and appliance circuits are not required to be located on the same floor as the circuits they serve.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3980 Fire Alarm and Detection System

- a) An approved automatic smoke detection system shall be installed on each floor level. Such system shall be installed in accordance with NFPA 101, Section 6-3 of the 1976 edition of the Life Safety Code, and with NFPA Standard 72, 1975 edition. The smoke detectors shall be installed in all rooms and corridors except toilets and closets. In no case shall smoke detectors be spaced further apart than ~~thirty~~ ~~(30)~~ feet on center, or more than ~~fifteen~~ ~~(15)~~ feet from any wall. The automatic smoke detection system shall be electrically interconnected to the fire alarm system. Facilities of eight ~~(8)~~ beds or less will be required to have this automatic smoke detection system. However, this automatic smoke detection system will not have to be electrically connected to the fire alarm system in accordance with this ~~the provisions of~~ Section ~~350.3980~~, if the facility has been inspected by the Office of the State Fire Marshal and found not to need such electrical connection to the fire alarm system, as evidenced by a written report to the Department from the Office of the State Fire Marshal to that effect. (A, B, ~~C~~)
- b) The fire alarm system shall automatically transmit the alarm to any available municipal fire department by direct private line or through any approved central station. Facilities of eight ~~(8)~~ beds or less will not be required to have this automatic fire alarm system ~~in accordance with this the provisions of~~ Section ~~350.3980~~ if the facility has been inspected by the Office of the State Fire Marshal and found not to need such fire alarm system, as evidenced by a written report to the Department from the Office of the State Fire Marshal to that effect. (A, B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.3990 Emergency Electrical System

- a) The facility shall have an emergency electrical service which shall provide services as follows:
- 1) Illumination for means of egress
 - 2) Fire detection and alarm system (A, B, ~~C~~)
- b) Emergency electrical service is not required to provide lighting for exit signs or a nurses station, nor for providing power to a communication system, including a nurse's call system.
- c) Facilities of eight ~~(8)~~ beds or less will not be required to

Section 350.3990(c) (continued)

provide emergency electrical service for illumination for means of egress, or for fire detection and alarm system, in accordance with the provisions of this Section ~~350.3990~~, if the facility has been inspected by the Office of the State Fire Marshal and found not to need such an emergency electrical service, as evidenced by a written report to the Department from the Office of the State Fire Marshal to that effect.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.4000 Fire Protection

The Department, or, upon request, the Fire Prevention Division of the Office of the State Fire Marshal, will make inspections for fire safety and compliance with these standards. The Fire Prevention Division shall call to the attention of the Department of Public Health any violations of these standards pertaining to fire protection found during a requested inspection. The Department, or, upon request, the Fire Prevention Division, shall be privileged to make as many subsequent visits as deemed necessary by the Department for assurance of compliance. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.4010 Construction Types

- a) Buildings shall be of fire resistive, protected noncombustible, one ~~(1)~~ hour protected ordinary, one ~~(1)~~ hour protected wood frame, heavy timber, or unprotected noncombustible type construction. (~~B~~, ~~C~~)
- b) Buildings shall be no more than two ~~(2)~~ stories in height. Basements are permitted for use as resident living ~~and/or~~ and activity areas. Basements are also permitted for resident dining ~~and/or~~ and sleeping areas if they are dry, have a window area which is at least ~~10%~~ ~~ten~~ percent of the floor area, the window sill height does not exceed a maximum of three ~~(3)~~ feet above the floor and there are two ~~(2)~~ approved exits to grade level. Attics are not permitted for any kind of resident use. However, both attics and basements may be used as storage space and for various staff use functions such as offices, and sleeping quarters ~~etc.~~.
- c) Any ICF/DD of 15 Beds or Less which shares a common wall with any

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.4010(c) (continued)

other occupancy must be separated from that occupancy by a minimum of one ~~(1)~~ hour rated fire wall. (B-~~G~~-)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.4020 Equivalencies

Existing facilities which are in substantial compliance with this Subpart P ~~these regulations~~, but which have any deficiencies, will be considered for approval, if alternative construction exists which will provide health and safety features that are equivalent to this Subpart P ~~these regulations~~.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

Section 350.4030 New Construction Requirements

The requirements listed in Sections 350.3780 through 350.4010 for existing facilities also apply to new construction unless modified by this Section ~~the following rules in this section~~. This Section applies ~~the following rules apply~~ only to new construction.

- a) Single resident bedrooms shall contain at least ~~one hundred~~ ~~(100)~~ square feet in area. Multiple resident bedrooms shall contain at least ~~seventy-five~~ ~~(75)~~ square feet per bed in area. Minimum usable floor areas do not include any space utilized for closets, free-standing wardrobe units, bathrooms, and clearly definable entryways. ~~(6)~~
- b) Provide a closet or wardrobe of at least six ~~(6)~~ square feet in area for each resident. ~~(6)~~
- c) The living, dining, and activity functions may be combined into one room, or may be in separate rooms. However, the combined area of these functions shall not be less than ~~thirty~~ ~~(30)~~ square feet per resident bed. ~~(6)~~
- d) Corridor doors shall be a minimum of one and three-quarters ~~(1 3/4)~~ inches thick solid core wood. Louvers in doors shall not be permitted except as approved by the Department. (B-~~G~~-)
- e) Interior stairways must be enclosed with a minimum of one ~~(1)~~ hour rated walls and a minimum of one and three-quarters ~~(1 3/4)~~ inch solid core wood doors, with a self-closing device, at the top and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 350.4030(e) (continued)

bottom of the each stairway. (B-~~G~~-)

- f) In every facility all corridors used by residents shall have a minimum unobstructed width of four ~~(4)~~ feet, and shall be lighted properly at night and at other times when necessary. ~~(6)~~
- g) Facilities shall be of the ~~following~~ heights and construction types with sprinkler requirements identified in the Table E. (B-~~G~~-)
- h) Hazardous areas, including combustible storage, as listed in Section 350.3930, must have walls of one ~~(1)~~ hour fire resistive rating. Doors at enclosure of hazardous areas shall be a minimum of three-fourths ~~(3/4)~~ hour "C" label, with automatic closer. (B-~~G~~-)

1) The following additional codes are required for new construction.

- 1) NFPA 13-1976 Edition, Installation of Sprinkler Systems
- 2) NFPA 13A-1976 Edition, Care and Maintenance of Sprinkler Systems
- 3) NFPA 13D-1975 Edition, Installation of Sprinkler Systems in One and Two Family Dwellings and Mobile Homes
- 4) NFPA 70-1978 Edition, National Electric Code (B-~~G~~-)
- j) Unenclosed outside stairways shall not be accepted as constituting any part of the required means of egress for new buildings. (B-~~G~~-)

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

SUBPART Q: DAY CARE PROGRAMS

Section 350.4210 Day Care in Long-Term Care Facilities

- a) For a licensed long-term care facility to be approved for a day care program, it is necessary that the facility meet all licensing requirements for its level of care.
- b) In addition, the following criteria must also be met:

- 1) Staff: Sufficient and satisfactory personnel shall be on duty to provide services that meet the total needs of the day care residents, without detracting from the services given to the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.4210(b)(1) (continued)

residents in the facility in accordance with the various staffing requirements of this Part.

2) Space:

- A) Dining - Adequate space and equipment available to accommodate the additional residents in accordance with Subparts I and K and Section 350.2670 or 350.2970 of this Part.
- B) Activity Area - Large enough area to accommodate capacity of facility, plus additional "Day Care" residents in accordance with Sections 350.2670 or 350.2970 of this Part.
- C) Rest Area - A definite area should be designated as an area available for the Day Care resident to nap or rest. This area should be equipped with beds (roll-aways can be used) or cots and portable screens. There should also be adequate space available for personal items storage for the number of Day Care residents being cared for. Suggested areas which can be utilized for the Day Care resident could include:
 - i) Facilities having more than one communal area (such as a lounge and sunporch, ~~etc.~~) could designate one of these for rest areas;
 - ii) Non-occupied rooms (no one assigned to these rooms);
 - iii) Toilets - Adequate number to accommodate extra number of residents in accordance with Section 350.2660 or 350.2960 of this Part.

3) Records:

- A) A statement by a physician who has evaluated the resident within the last 30 days stating the resident is free of communicable and infectious disease, and indicating any medication ~~and/or~~ or treatments and diet needed by the resident during the period of time in the facility. Permission should also be granted in this statement for the resident to participate in activities with any contraindications or limitations.

- B) Medication and Treatment record - Required for any

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 350.4210(b)(3)(B) (continued)

medications or treatments given during resident stay in the facility. (Medications must be in original containers and properly labeled.)

- C) "Face" sheet or admission sheet - Containing all pertinent information necessary for the "safe keeping" of the resident such as complete name, address, telephone number, social security number, medicare number, and age of resident; name, business, and home address, and telephone number of person to notify in an emergency; name of family physician; name of physician to call in an emergency.
- D) Incident Report - in case of medication error or accident of any kind.
- 4) There must be written policies covering "Day Care" Service in the facility which explain implementation of this Section.
- 5) Permission for a Day Care Program requires identifying the services of the facility that will be used in the program. Examples: Activity area, dining area, administering of medications by nursing staff, physical therapy, speech, and social services, ~~etc.~~.
- 6) The maximum number of "Day Care" residents served shall be reported with the application under Section 350.620 of this Part.
- 7) The facility should consider the following in developing and providing Day Care Programs:
 - A) Use of house or advisory physician for emergencies;
 - B) Insurance coverage;
 - C) Signed agreement with family or responsible individual;
 - D) Permission to be involved in activities outside of the facility (in the community);
 - E) Attendance record; and
 - F) Facility should be aware of method and time of pick-up and delivery of the Day Care residents.

(Source: Amended at 13 Ill. Reg. 6040, effective April 17, 1989)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part:

Long Term Care for Under Age 22 Facilities Code

2) Code Citation:

77 Ill. Adm. Code 390

3) Section Numbers:

390.110, 390.120, 390.130, 390.140	Amendments
390.150, 390.160, 390.165, 390.170	Amendments
390.175, 390.180, 390.190, 390.200	Amendments
390.210, 390.220, 390.230, 390.240	Amendments
390.250, 390.260, 390.270, 390.272	Amendments
390.274, 390.276	Amendments
390.277	New Section
390.278, 390.280, 390.282, 390.284	Amendments
390.286, 390.288, 390.290, 390.300	Amendments
390.310, 390.320, 390.330, 390.340	Amendments
390.500, 390.610, 390.620, 390.630	Amendments
390.640, 390.650, 390.660, 390.670	Amendments
390.675	New Section
390.690, 390.700, 390.810, 390.820	Amendments
390.830, 390.1010, 390.1020, 390.1030	Amendments
390.1035	New Section
390.1040, 390.1050, 390.1060, 390.1070	Amendments
390.1080, 390.1090, 390.1100, 390.1110	Amendments
390.1120, 390.1310, 390.1320, 390.1330	Amendments
390.1410, 390.1420, 390.1430, 390.1440	Amendments
390.1450, 390.1610, 390.1620, 390.1630	Amendments
390.1640, 390.1650, 390.1660, 390.1670	Amendments
390.1680, 390.1690, 390.1810, 390.1820	Amendments
390.1830, 390.1840, 390.1850, 390.1860	Amendments
390.1870, 390.1880, 390.1890, 390.1900	Amendments
390.1910, 390.1920, 390.2010, 390.2020	Amendments
390.2030, 390.2210, 390.2220, 390.2230	Amendments
390.2410, 390.2420, 390.2430, 390.2440	Amendments
390.2610, 390.2620, 390.2630, 390.2640	Amendments
390.2650, 390.2660, 390.2670, 390.2680	Amendments
390.2690, 390.2700, 390.2710, 390.2720	Amendments
390.2730, 390.2740, 390.2910, 390.2920	Amendments
390.2930, 390.2940, 390.2950, 390.2960	Amendments
390.2970, 390.2980, 390.2990, 390.3000	Amendments
390.3010, 390.3020, 390.3030, 390.3040	Amendments
390.3210, 390.3220, 390.3230, 390.3240	Amendments

Adopted Action:

[illegible]

Section Numbers:

390.3250, 390.3260, 390.3270, 390.3280 Amendments
390.3290, 390.3300, 390.3310, 390.3320 Amendments
390.3330, 390.3350, APPENDIX A Amendments

Adopted Action:

Amendments
Amendments
Amendments

4) Statutory Authority:

Nursing Home Care Act [11]. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968 (Senate Bill 1322), effective December 9, 1987, Public Act 85-1183 (House Bill 4172), effective August 13, 1988, and Public Act 85-1378 (Senate Bill 2201), effective September 1, 1988]

5) Effective Date of Amendments:

April 17, 1989

6) Does this Rulemaking contain an Automatic Repeal Date? No.

7) Does this Rulemaking contain Incorporation by Reference? No.

8> Date Filed in Agency's Principal Office:

April 17, 1989

9) Date Notice of Proposal Published in Illinois Register:

December 23, 1988 (12 Ill. Reg. 21064)

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.

11) Difference Between Proposal and Final Version:

In response to questions from the Joint Committee on Administrative Rules, the Department deleted the proposed addition of standards of the U.S. Public Health Service to Section 390.340(a)(2). These standards are not referenced in other provisions of the rules and the incorporation of these standards by reference was only approved by the Joint Committee on Administrative Rules for inclusion in 77 Ill. Adm. Code 300. The addition of these standards may be re-proposed at a later date.

During the public comment period, amendments related to nurse aide training were withdrawn from this rulemaking. These changes, which included the addition of new Section 390.670(e) and replacement of the Section 390.680, will be re-proposed and adopted in conjunction with the

adoption of a new set of rules which have been proposed on nurse aide training programs (77 Ill. Adm. Code 395). The proposed new set of rules appeared in the December 2, 1988, issue of the Illinois Register (12 Ill. Reg. 19927).

Changes in the wording of the definition of "Qualified Mental Retardation Professional" in Section 390.330 were made in response to public comment. Changes in references to statutory and regulatory provisions were made in compliance with comments from the Department of Professional Regulation.

Numerous typographical corrections and technical changes were also made in response to questions from the Administrative Code Division. No other changes were made in the text of the amendments.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.

- 13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.

These amendments replace amendments which were adopted on an emergency basis effective October 24, 1988. The emergency amendments appeared in the Illinois Register on November 14, 1988 (12 Ill. Reg. 18243). The emergency amendments expired on March 23, 1989.

- 14) Are there any other Amendments Pending on this Part? No.

- 15) Summary and Purpose of Rules:

The Department is adopting amendments which were adopted on an emergency basis effective October 24, 1988. These amendments also make other changes to reflect recent statutory changes and to clarify various provisions of the rules. In addition, these amendments update statutory references and make a number of non-substantive changes in the other provisions of the rules. The specific changes included in these amendments are described here.

Emergency Changes

The most significant emergency changes which are included in these amendments are the result of Public Act 85-1378 (Senate Bill 2201), which took effect on September 1, 1988. This legislation amends the Nursing Home Care Act to eliminate the lowest level of violations, level "C"

violations. This level of violations is replaced with a procedure for the issuance of administrative warnings. Facilities will not be required to submit a plan of correction in response to an administrative warning, but will be responsible for correction of the condition.

To implement this change, the Department is adopting the following changes which were adopted on an emergency basis effective October 24, 1988. The Notice of Emergency Amendments appeared in the Illinois Register on November 14, 1988 (12 Ill. Reg. 18243).

1. Deleting all of the current designations of level "C" violations from the entire text of the rules.
2. Expanding the provisions in Section 390.272 concerning the determination to issue a notice of violation to also include administrative warnings.
3. Eliminating the language concerning level "C" violations in Section 390.274 which concerns the determination of the level of a violation.
4. Adding a new Section 390.277 to provide procedures for the issuance of administrative warnings.
5. Eliminating the provisions concerning the assessment of penalties for ten or more uncorrected level "C" violations from Section 390.282(e).
6. Adding a definition of "administrative warning" and deleting the definition of "type C violation" in Section 390.330.

Additional statutory changes included in Public Act 85-1378, and changes included in Public Act 85-1183 (House Bill 4172), which took effect on August 13, 1988, were also adopted on an emergency basis and are included in these amendments. These changes include amendments to provisions concerning:

1. Submission of ownership information [Section 390.250(a)].
2. Contents of the quarterly list of facilities against which the Department is taking some action [Section 390.290(a)].
3. Basis and procedures for involuntary transfer or discharge [Section 390.3300(c)].
4. Procedure for hearings requested by persons who file complaints against a facility [Section 390.3310(j)].

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTSAdditional Statutory Changes

Additional statutory changes included in Public Act 85-968 (Senate Bill 1322), which took effect on December 9, 1987, are also being implemented in these amendments. These changes include amendments to reflect the statutory provisions concerning the length of the license period [Section 390.110(b)] and the appointment of monitors [Section 390.270(a)].

In addition, Sections 390.260(d) and (g) are being repealed, since the parallel sections of the statute, Sections 3-314 and 3-317, were repealed by Public Act 83-1530, which became effective July 1, 1985. Repeal of these provisions of the rules is consistent with the statute.

Physical Examinations and Tuberculin Skin Tests

Changes in Sections 390.670 and 390.1030 and the addition of new Sections 390.675 and 390.1035 are being adopted to clarify the rules on employee physical examinations and tuberculin skin tests for employees and residents. The changes eliminate the requirement for annual physical examinations for employees, since these examinations are not effective in protecting the health of the employees or residents. The provisions concerning the initial physical examination of employees are being separated into the new Section 390.675 and the procedures for conducting tuberculin skin tests are being separated into the new Section 390.1035. Section 390.1030, which concerns medical care for residents, is being amended to reference the tuberculin test procedures which are being relocated to Section 390.1035.

Additional Substantive Changes

The definition of "qualified mental retardation professional" in Section 390.330 is being amended to conform to recent changes in the rules of the Health Care Financing Administration governing Medicaid program certification of Intermediate Care Facilities for the Mentally Retarded (42 CFR 483). The changes in these federal rules were adopted effective October 1, 1988. The amendments to this definition will insure that the definition is consistent with the federal rules.

The definition of a utensil sanitizer in Section 390.330 is being replaced with a definition of sanitization to include chemical, as well as steam sanitization.

Shower stall curb requirements in Section 390.2960(e)(5) are being eliminated as no longer necessary. These changes will insure that the rules reflect current enforcement policies of the Department, since numerous waivers have been granted from these requirements. The definition of safety device in Section 390.330 is being revised to

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

eliminate the reference to a minimum width of six inches in the example of a wide band which is used as a safety device. The change will clarify the definition.

Reference Corrections and Updates

Throughout the text of these rules, references to the Nursing Home Care Act are being updated. These changes reflect the changes in the Act and the latest edition of the Illinois Revised Statutes.

Section 390.340, which contains a list of all of the materials incorporated and referenced in these rules is being updated. Statutory references in this Section have been corrected and updated. References to the Capital Development Board's rules on handicapped accessibility to buildings are being updated. The title and content of these rules which recently changed based on a comprehensive revision of the statute which authorized the Board to adopt these rules. These references are being updated in Sections 390.340(a)(4)(C), 390.2620(a)(1)(B), 390.2700(a)(6), 390.2700(b)(4), 390.2920(f)(2), 390.3000(b)(1), and 390.3000(b)(2).

References to various units of the Department which had responsibility for the licensure of alcoholism treatment programs are being updated in Section 390.300. As amended, these provisions refer to the Department of Alcoholism and Substance Abuse which assumed responsibility for the licensure of alcoholism treatment programs in July 1988.

Additional Editorial Changes

The amendments eliminate the use of the phrase "his/her" throughout the rules. The elimination of this phrase is accomplished by rephrasing the provisions in the plural, rather than the singular, or by replacing the pronoun with the subject, such as "resident's" or "employee's." The term "etc." is also eliminated throughout the rules. This term is usually unnecessary and may cause confusion by implying that the Department may impose additional requirements.

The amendments also eliminate the use of "(s)," "(es)," and "(ies)" at the end of words to indicate singular or plural. These changes should clarify the application of the provisions. The phrase "and/or" is also eliminated in the amendments. The amendments clarify the provisions which use this term by clearly indicating whether either or both is intended. The amendments also revise the use of numbers throughout the rules for consistency. Numbers of ten or less are written out in the rules, while numbers greater than ten are indicated by digits. The use of both forms of numbers at each occurrence is eliminated as unnecessary.

The Department believes that there will be little, if any, economic

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

effect of these amendments on the regulated public. The elimination of some requirements may reduce costs for some regulated facilities, although such reductions are likely to be minimal.

- 16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane
Division of Governmental Affairs
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section
390.110
390.120
390.130
390.140
390.150
390.160
390.165
390.170
390.175
390.180
390.190
390.200
390.210
390.220
390.230
390.240
390.250
390.260
390.270
390.272
390.274
390.276
390.277
390.278
390.280
390.282
390.284
390.286
390.288
390.290
390.300
390.310
390.320
390.330
390.340

General Requirements
Application for License
Licensee
Issuance of an Initial License for a New Facility
Issuance of an Initial License Due to a Change of Ownership
Issuance of a Renewal License
Criteria for Adverse License Actions
Denial of Initial License
Denial of Renewal of License
Revocation of License
Experimental Program Conflicting With Requirements
Inspections, Surveys, Evaluations and Consultation
Filing an Annual Attested Financial Statement
Information to be Made Available to the Public by the Department
Information to be Made Available to the Public By the Licensee
Municipal Licensing
Ownership Disclosure
Issuance of Conditional Licenses
Monitor and Receivership
Determination to Issue a Notice of Violation or Administrative Warning
Determination of the Level of a Violation
Notice of Violation
Administrative Warning
Plans of Correction
Reports of Correction
Conditions for Assessment of Penalties
Calculation of Penalties
Determination to Assess Penalties
Reduction or Waiver of Penalties
Quarterly List of Violators
Alcoholism Treatment Programs in Long-Term Care Facilities
Department May Survey Facilities Formerly Licensed
Waivers
Definitions
Incorporated and Referenced Materials

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

SUBPART B: ADMINISTRATION

390.500

Administrator

SUBPART C: POLICIES

390.610

Management Policies

390.620

Resident Care Policies

390.630

Admission and Discharge Policies

390.640

Contract Between Resident and Facility

390.650

Residents' Advisory Council

390.660

General Policies

390.670

Personnel Policies

390.675

Initial Health Evaluation for Employees

390.680

Nurse Aide/Orderly Training Program

390.690

Disaster Preparedness

390.700

Serious Incidents and Accidents

SUBPART D: PERSONNEL

390.810

General

390.820

Categories of Personnel

390.830

Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

390.1010

Service Programs

390.1020

Medical Services

390.1030

Physician Services

390.1035

Tuberculin Skin Test Procedures

390.1040

Nursing Services

390.1050

Dental Care Services

390.1060

Physical and Occupational Therapy Services

390.1070

Psychological Services

390.1080

Social Services

390.1090

Speech Pathology and Audiology Services

390.1100

Recreational and Activity Services

390.1110

Educational Services

390.1120

Work Activity and Prevocational Training Services

SUBPART F: RESTRAINTS AND SAFETY DEVICES,
BEHAVIOR MANAGEMENT, AND BEHAVIOR EMERGENCIES

390.1310

Restraints and Safety Devices

390.1320

Behavior Management

390.1330

Behavior Emergencies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: MEDICATIONS

390.1410

Medication Policies and Procedures

390.1420

Conformance with Physician's Orders

390.1430

Administration of Medication

390.1440

Labeling and Storage of Medications

390.1450

Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

390.1610

Resident Record Requirements

390.1620

Content of Medical Records

390.1630

Confidentiality of Resident's Records

390.1640

Records Pertaining to Residents' Property

390.1650

Retention and Transfer of Resident Records

390.1660

Other Resident Record Requirements

390.1670

Staff Responsibility for Medical Records

390.1680

Retention of Facility Records

390.1690

Other Facility Record Requirements

SUBPART I: FOOD SERVICE

390.1810

Director of Food Services

390.1820

Dietary Staff in Addition to Director of Food Services

390.1830

Hygiene of Dietary Staff

390.1840

Diet Orders

390.1850

Adequacy of Diet and Meal Pattern ~~(A, B)~~

390.1860

Infant and Therapeutic Diets

390.1870

Scheduling Meals

390.1880

Menu Planning

390.1890

Food Preparation and Service

390.1900

Preparation of Infant Formula

390.1910

Food Handling Sanitation

390.1920

Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

390.2010

Maintenance

390.2020

Housekeeping

390.2030

Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

390.2210

Furnishings

390.2220

Equipment and Supplies

390.2230

Sterilization of Supplies and Equipment

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

390.2410 Codes
390.2420 Water Supply
390.2430 Sewage Disposal
390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

390.2610 Applicability of these Standards
390.2620 Codes and Standards
390.2630 Preparation of Drawings and Specifications
390.2640 Site
390.2650 Administration and Public Areas
390.2660 Nursing Unit
390.2670 Dining, Play, Activity/Program Rooms ~~(c)~~
390.2680 Therapy and Personal Care
390.2690 Service Departments
390.2700 General Building Requirements ~~Building General~~
390.2710 Structural
390.2720 Mechanical Systems
390.2730 Plumbing Systems
390.2740 Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

390.2910 Applicability
390.2920 Codes and Standards
390.2930 Preparation of Drawings and Specifications
390.2940 Site
390.2950 Administration and Public Areas
390.2960 Nursing Unit
390.2970 Play, Dining, Activity/Program Rooms ~~(c)~~
390.2980 Treatment and Personal Care
390.2990 Service Department
390.3000 Building General
390.3010 Structural
390.3020 Mechanical Systems
390.3030 Plumbing Systems
390.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

390.3210 General
390.3220 Medical and Personal Care Program
390.3230 Restraints
390.3240 Abuse and Neglect

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

390.3250 Communication and Visitation
390.3260 Residents' Funds
390.3270 Residents' Advisory Council
390.3280 Contract With Facility
390.3290 Private Right of Action
390.3300 Transfer ~~and~~ or Discharge
390.3310 Complaint Procedures
390.3320 Confidentiality
390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

390.3510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under ~~Twenty-Two (22)~~ Years of Age

APPENDIX B Forms for Day Care in Long-Term Care Facilities

TABLE A Infant Feeding

TABLE B Daily Nutritional Requirements By Age Group

TABLE C Sound Transmissions Limitations

TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age

TABLE E Sprinkler Requirements

TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY:

Implementing and authorized by the Nursing Home Care ~~Reform~~ Act ~~of 1979~~ (Ill. Rev. Stat. 1987 ~~1985~~, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988)

SOURCE:

Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083,

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989.

NOTE: Italics and capitalization denote statutory language.

SUBPART A: GENERAL PROVISIONS

Section 390.110 General Requirements

- a) This Part applies ~~to the operator/licensee of facilities, or distinct parts thereof, that are to be licensed and classified to provide nursing care to persons under twenty-two (22) years of age. Any "Nursing homes, sheltered care homes, and homes for the aged Act" (11. Rev. Stat. 1977, ch. 111 1/2, par. 35.16 et seq.) shall remain valid and subject to the terms and conditions of the "Nursing Home Care Reform Act of 1979" (The Act) (11. Rev. Stat. 1983-1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988) and all regulations promulgated thereunder until the expiration date shown on the face of such license.~~ to the operator/licensee of facilities, or distinct parts thereof, that are to be licensed and classified to provide nursing care to persons under twenty-two (22) years of age. Any "Nursing homes, sheltered care homes, and homes for the aged Act" (11. Rev. Stat. 1977, ch. 111 1/2, par. 35.16 et seq.) shall remain valid and subject to the terms and conditions of the "Nursing Home Care Reform Act of 1979" (The Act) (11. Rev. Stat. 1983-1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988) and all regulations promulgated thereunder until the expiration date shown on the face of such license.

- b) The license issued to each operator/licensee shall designate the licensee's name, facility name, address, the classification by level of service authorized for that facility, the number of beds authorized for each level, the date the license was issued and the expiration date. Such licenses shall be issued for a period ~~not to exceed one (1) year~~ of NOT LESS THAN SIX MONTHS NOR MORE THAN 18 MONTHS. The Department will set the period of the license based on the license expiration dates of the facilities in the geographical area surrounding the facility IN ORDER TO DISTRIBUTE THE EXPIRATION DATES as evenly as possible THROUGHOUT THE CALENDAR YEAR. (Section 3-110 of the Act)

- c) An applicant may request that the license issued by the Department of Public Health (the Department) have distinct parts classified according to levels of services. The distinct part must satisfactorily meet the applicable physical plant standards based on a level of service classification sought for that distinct part. If

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.110(c) (continued)

necessary to protect the health, welfare and safety of residents in a distinct part requiring higher standards, the Department ~~of Public Health (the Department)~~ shall require compliance with whatever additional physical plant standards are necessary in any distinct part ~~to~~ to achieve this protection. Administrative, supervisory, and other personnel may be shared by the entire facility, if so doing does not adversely affect meeting the total needs of the residents of the facility.

- d) THE OPERATOR MAY NOT ADMIT RESIDENTS IN EXCESS OF THE LICENSED CAPACITY OF THE FACILITY. (Section 2-209 of the Act) ~~(See Section 390-280 Violations and Penalties) (B, C)~~
- e) A long-term care facility for persons under ~~twenty-two (22)~~ years of age licensed and classified under the Act shall not use in its title or description "Hospital", "Sanitarium", "Sanatorium" or any other word or description in its title or advertisements which indicates that a type of service is provided by the facility which the facility is not licensed to provide or, in fact, does not provide. ~~(C)~~ A long-term care facility for persons under ~~twenty-two (22)~~ years of age may use in its title or advertisement the words or description: "Nursing Home", "Intermediate Care", "Skilled Nursing Facility".
- f) Any person constructing or modifying a long-term care facility or portion thereof without obtaining the required permit from the Health Facilities Planning Board shall not be eligible to apply for licensure for that facility or portion thereof (Section 13.1 of the Illinois Health Facilities Planning Act (11. Rev. Stat. ~~1983~~ 1987, ch. 111 1/2, par. 1163.1)). ~~(C)~~
- g) THE LICENSEE SHALL GIVE ~~NINETY (90)~~ DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OF MORE THAN TEN PERCENT ~~(40%)~~ OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENTS WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHILE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE LICENSEE SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.110(g) (continued)

DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER ~~OF~~ THE ACT. (Section 3-423 of the Act) ~~(Ill. Rev. Stat. 1983, ch. 111 1/2, par. 4151-101 et seq.)~~ (A, B)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.120 Application for License

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility, ~~and/or~~ or skilled nursing facility shall submit pre-application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The pre-application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications. ~~(C)~~

- b) A pre-application for a new facility shall be accompanied by a permit as required by the ~~Illinois~~ Health Facilities Planning Act ~~(Ill. Rev. Stat. 1983, 1987, ch. 111 1/2, par. 1151 et seq.)~~. ~~(C)~~

- c) APPLICATION FOR A LICENSE TO ESTABLISH OR OPERATE AN INTERMEDIATE CARE FACILITY, ~~AND/OR~~ OR SKILLED NURSING FACILITY SHALL BE MADE IN WRITING AND SUBMITTED, WITH OTHER SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE, ON FORMS PROVIDED BY THE DEPARTMENT. (Section 3-103(1) of the Act)

- d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF ~~TWO HUNDRED (\$200)~~ DOLLARS. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:

- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF, AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.120(d) (continued)

- 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
- 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
- 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
- 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-103(2))~~

e) Ownership Change or Discontinuation

- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold, or leased; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be. ~~(G)~~

- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases. ~~(G)~~

- f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE ~~Illinois~~ HEALTH FACILITIES PLANNING ACT ~~(Ill. Rev. Stat. 1983, 1987, ch. 111 1/2, par. 1151 et seq.)~~. AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY ~~6~~ SIX MONTHS OF ANY CHANGES IN THE

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.120(f) (continued)

INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-103(2))~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.130 Licensee

- a) The licensee is the corporate body, political subdivision, individual, or individuals responsible for the operation of the facility and upon whom rests the responsibility for meeting the licensing requirements. The licensee does not have to own the building being used.
- b) If the licensee does not own the building, a lease or management agreement between the licensee and the owner of the building is required. A copy of the lease or management agreement shall be furnished to the Department. The Department shall also be provided with a copy of all new lease agreements or any changes to existing agreements within ~~thirty~~ (30) days of the effective date of such changes. ~~(C)~~
- c) If the licensee is not a corporation or a political subdivision of the State of Illinois, each person responsible for the operation of the facility and upon whom rests the responsibility for meeting the licensing Minimum Standards, ~~Rules and Regulations~~ shall be at least ~~eighteen~~ (18) years of age. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.140 Issuance of an Initial License for a New Facility

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE AND INSPECTION OF THE APPLICANT FACILITY, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLAINTS WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE ~~(5)~~ YEARS;

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.140(a) (continued)

- 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE ~~NURSING HOME ADMINISTRATORS LICENSING AND DISCIPLINARY ACT~~ (Ill. Rev. Stat. ~~1981~~ 1987, ch. 111, pars. ~~3601~~ 3651 et seq.) ~~AS NOW OR HEREFTER AMENDED~~; AND
- 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ~~NURSING HOME CARE REFORM ACT OF 1979~~ AND THIS PART. (Section 3-109 of the Act)
- b) THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR ~~ONE HUNDRED TWENTY~~ (120) DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)
- c) DURING THE ~~ONE HUNDRED TWENTY~~ (120) DAY PERIOD OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN ~~THIRTY~~ (30) DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OF NOT THE APPLICANT THEN COMPLIES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARDS COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)
- d) IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO ~~ONE HUNDRED TWENTY~~ (120) DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO ~~(2)~~ SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)
- e) Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the Department.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.150 Issuance of an Initial License Due to a Change of Ownership

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:
 - 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR TO PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.150(a)(1) (continued)

PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE ~~(5)~~ YEARS;

2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE ~~"NURSING HOME ADMINISTRATORS~~

~~ADMINISTRATORS~~ LICENSING AND DISCIPLINARY ACT ~~"AS NOW OR HEREAFTER AMENDED~~; AND

3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ~~"NURSING-HOME CARE REFORM~~ ACT ~~OF 1979~~ AND THIS PART. (Section 3-109 of the Act)

b) WHENEVER OWNERSHIP OF A FACILITY IS TRANSFERRED FROM THE PERSON NAMED IN A LICENSE TO ANY OTHER PERSON, THE TRANSFEREE MUST OBTAIN A NEW PROBATIONARY LICENSE. THE TRANSFEREE SHALL NOTIFY THE DEPARTMENT OF THE TRANSFER AND APPLY FOR A NEW LICENSE AT LEAST ~~THIRTY (30)~~ DAYS PRIOR TO FINAL TRANSFER. (Section 3-112 of the Act) ~~(G)~~

c) THE TRANSFEROR SHALL NOTIFY THE DEPARTMENT AT LEAST ~~THIRTY (30)~~ DAYS PRIOR TO FINAL TRANSFER. THE TRANSFEROR SHALL REMAIN RESPONSIBLE FOR THE OPERATION OF THE FACILITY UNTIL SUCH TIME AS THE LICENSE IS ISSUED TO THE NEW TRANSFEREE. (Section 3-112 of the Act) ~~(G)~~

d) THE LICENSE GRANTED TO THE TRANSFEREE SHALL BE SUBJECT TO ANY PLAN OF CORRECTION SUBMITTED BY THE PREVIOUS OWNER AND APPROVED BY THE DEPARTMENT AND ANY CONDITIONS CONTAINED IN A CONDITIONAL LICENSE ISSUED TO THE PREVIOUS OWNER. IF THERE ARE OUTSTANDING VIOLATIONS AND NO PLAN OF CORRECTION HAS BEEN SUBMITTED BY THE FACILITY AND APPROVED BY THE DEPARTMENT, THE DEPARTMENT MAY ISSUE A CONDITIONAL LICENSE AND PLAN OF CORRECTION AS PROVIDED IN SECTIONS 3-311 THROUGH 3-317 OF THE ~~"NURSING HOME CARE REFORM~~ ACT ~~OF 1979~~ IN PLACE OF A PROBATIONARY LICENSE. (Section 3-113 of the Act) ~~(G)~~

e) THE TRANSFEROR SHALL REMAIN LIABLE FOR ALL PENALTIES ASSESSED AGAINST THE FACILITY WHICH ARE IMPOSED FOR VIOLATIONS OCCURRING PRIOR TO TRANSFER OF ~~OR~~ OWNERSHIP. (Section 3-114 of the Act) ~~(G)~~

f) THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR ~~ONE HUNDRED TWENTY (120)~~ DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)

g) DURING THE ~~ONE HUNDRED TWENTY (120)~~ DAYS OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.150(g) (continued)

APPLICANT WITHIN ~~THIRTY (30)~~ DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OR NOT THE APPLICANT THEN COMPLIES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARD COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)

h) IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO ~~ONE HUNDRED TWENTY (120)~~ DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO ~~(2)~~ SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)

i) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the Department. Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the Department.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.160 Issuance of a Renewal License

AT LEAST ~~ONE HUNDRED TWENTY (120)~~ DAYS, BUT NOT MORE THAN ~~ONE HUNDRED FIFTY (150)~~ DAYS, PRIOR TO LICENSE EXPIRATION, THE LICENSEE SHALL SUBMIT AN APPLICATION FOR RENEWAL OF THE LICENSE IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE DEPARTMENT REQUIRES. IF THE APPLICATION IS APPROVED, AND THE FACILITY IS IN COMPLIANCE WITH ALL OTHER LICENSE REQUIREMENTS, THE LICENSE SHALL BE RENEWED FOR AN ADDITIONAL ONE YEAR PERIOD. (Section 3-115 of the Act) ~~(See Section 390.240 for maintenance licensing requirements.) (G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.165 Criteria for Adverse Licensure Actions

a) Adverse licensure actions are determinations to deny the issuance of an initial license, to deny the issuance of a renewal of a license, or to revoke the current license of a facility.

b) A determination by the Director or his designee to take adverse licensure action against a facility shall be based on a finding that

DEPARTMENT OF PUBLIC HEALTH

6-322

89

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.165(b) (continued)

one or more of the following criteria are met:

- 1) The facility has SUBSTANTIALLY FAILED TO MEET ANY OF THE MINIMUM STANDARDS SET FORTH IN THE ACT OR THIS PART ~~THESE RULES~~. For purposes of this provision, substantial failure is a failure to meet the requirements of this Part which is other than a variance from strict and literal performance which results only in unimportant omissions or defects given the particular circumstances involved. (Sections 3-117(1) and 3-119(a)(1) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(1) and 4153-119(a)(1))~~
- 2) THE LICENSEE OR APPLICANT, OR THE PERSON DESIGNATED TO MANAGE OR SUPERVISE THE FACILITY HAS BEEN CONVICTED OF ANY OF THE FOLLOWING CRIMES DURING THE PREVIOUS FIVE YEARS. Such convictions shall be verified by A CERTIFIED COPY OF THE RECORD OF THE COURT OF CONVICTION.

A) A FELONY.

B) TWO OR MORE MISDEMEANORS INVOLVING MORAL TURPITUDE. (Sections 3-117(2) and 3-119(a)(2) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(2) and 4153-119(a)(2))~~

3) THE MORAL CHARACTER OF THE LICENSEE, ADMINISTRATOR, MANAGER, OR SUPERVISOR OF THE FACILITY IS NOT REPUTABLE. Evidence to be considered will include verifiable statements by residents of a facility, law enforcement officials, or other persons with knowledge of the individual's character. In addition, the definition afforded to the terms "reputable," "unreputable," and "irreputable" by the circuit courts of the State of Illinois shall apply when appropriate to the given situation. For purposes of this Section, a manager or supervisor of the facility is an individual with responsibility for the overall management, direction, coordination, or supervision of the facility or the facility staff. (Sections 3-117(2) and 3-119(a)(2) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(2) and 4153-119(a)(2))~~

4) The facility is operating (or, for an initial applicant, intends to operate) with PERSONNEL WHICH ARE INSUFFICIENT IN NUMBER OR UNQUALIFIED BY TRAINING OR EXPERIENCE TO PROPERLY CARE FOR THE NUMBER AND TYPE OF RESIDENTS in the facility. Standards in these rules concerning personnel, including Sections 390.810,

Section 390.165(b)(4) (continued)

390.820, 390.830, 390.1030, 390.1040 and 390.1050, will be considered in making this determination. (Sections 3-117(3) and 3-119(a)(3) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(3) and 4153-119(a)(3))~~

5) The facility has available INSUFFICIENT FINANCIAL OR OTHER RESOURCES TO OPERATE THE FACILITY IN ACCORDANCE WITH THIS PART ~~THESE RULES~~. Financial information and changes in financial information provided by the facility under Section 390.120(f) and under Section 3-208 of the Act will be considered in making this determination. (Section 3-208 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-208)~~

6) THE FACILITY IS NOT UNDER THE DIRECT SUPERVISION OF A FULL-TIME ADMINISTRATOR as required by Section 390.510. (Sections 3-117(6) and 3-119(a)(5) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(6) and 4153-119(a)(5))~~

7) The facility has violated the rights of residents of the facility by any of the following actions:

A) A pervasive pattern of cruelty or indifference to residents has occurred in the facility.

B) The facility has appropriated or converted for its use the property of a resident without his written consent or the consent of his legal guardian.

C) The facility has secured property, or a bequest of property, from a resident by undue influence.

8) The facility knowingly submitted false information either on the licensure or renewal application forms or during the course of an inspection or survey of the facility.

9) The facility has refused to allow an inspection or survey of the facility by agents of the Department to occur.

c) The Director or his designee shall consider all available evidence at the time of the determination, including the history of the facility and the applicant in complying with the Act and this Part ~~these rules~~, notices of violations which have been issued to the facility and the applicant, findings of surveys and inspections, and any other evidence provided by the facility, residents, law

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.165(c) (continued)

enforcement officials and other interested individuals.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.170 Denial of Initial License

a) A determination by the Director or his designee to deny the issuance of an initial license shall be based on a finding that one or more of the criteria outlined in Section 390.165 or the following criteria are met.

- 1) THE APPLICANT, ANY MEMBER OF THE FIRM, PARTNERSHIP, OR ASSOCIATION WHICH IS THE APPLICANT, ANY OFFICER OR STOCKHOLDER OF THE CORPORATION WHICH IS THE APPLICANT, OR THE PERSON DESIGNATED TO MANAGE OR SUPERVISE THE FACILITY HAS BEEN CONVICTED OF ANY OF THE FOLLOWING CRIMES DURING THE PREVIOUS FIVE YEARS. Such convictions shall be verified by A CERTIFIED COPY OF THE RECORD OF THE COURT OF CONVICTION.

A) A FELONY.

B) TWO OR MORE MISDEMEANORS INVOLVING MORAL TURPITUDE.
(Section 3-117(2) of the Act) ~~(111 Rev. Stat. 1985,
ch. 111 1/2, par. 4153-117(2))~~

2) Prior license revocation. Both of the following conditions must be met:

A) The license of a facility under this Act has been REVOKED DURING THE PAST FIVE YEARS, which was owned or operated BY THE APPLICANT, BY A CONTROLLING OWNER OF THE APPLICANT, BY A CONTROLLING COMBINATION OF OWNERS OF THE APPLICANT, OR BY AN AFFILIATE WHO IS A CONTROLLING OWNER OF THE APPLICANT. Operation for the purposes of this provision shall include individuals with responsibility for the overall management, direction, or supervision of the facility.

B) SUCH PRIOR REVOCATION RENDERS THE APPLICANT UNQUALIFIED OR INCAPABLE OF MAINTAINING A FACILITY IN ACCORDANCE WITH THE MINIMUM STANDARDS SET FORTH IN THE ACT OR IN THIS PART ~~THESE RULES~~. This determination will be based on the applicant's qualifications and ability to meet the criteria outlined in Section 390.165(b) as evidenced by the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.170(a)(2)(B) (continued)

application and the applicant's prior history. (Section 3-117(5) of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(5))~~

b) The Department shall notify an applicant IMMEDIATELY UPON DENIAL OF ANY APPLICATION. Such notice shall be IN WRITING and shall include:

1) A CLEAR AND CONCISE STATEMENT of the basis of the denial. The statement shall include a citation to the provisions of Section 3-117 of the Act and the provisions of this Part ~~these rules~~ under which the application is being denied.

2) A description of THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL OF THE APPLICATION and the right to a hearing. (Section 3-118 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-118)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.175 Denial of Renewal of License

a) Application for renewal of a license of a facility shall be denied and the license of the facility shall be allowed to expire when the Director or his designee finds that a condition, occurrence, or situation in the facility meets any of the criteria specified in Section 390.165(b).

b) When the Director or his designee determines that an application for renewal of a license of a facility is to be denied, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:

1) A CLEAR AND CONCISE STATEMENT of the basis of the denial. The statement shall include a citation to the provisions of the Act and this Part ~~these rules~~ on which the application for renewal is being denied.

2) A statement of the date on which the current license of the facility will expire as provided in subsection (c) of this Section and Section 3-119(d) of the Act ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-119(d))~~.

3) A description of THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.175(b)(3) (continued)

OF THE APPLICATION FOR RENEWAL AND THE RIGHT TO A HEARING.
(Section 3-119(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(b))~~

- c) The effective date of the nonrenewal of a license shall be as provided in Section 3-119(d) of the Act ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(d))~~.
- d) The current license of the facility shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(d)(3))~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.180 Revocation of License

- a) The license of a facility shall be revoked when the Director or his designee finds that a condition, occurrence or situation in the facility meets any of the criteria specified in Section 390.165(b). In addition, the license of a facility will be revoked when the facility fails to abate or eliminate a level A violation as provided in Section 390.282(b).

- b) When the Director or his designee determines that the license of a facility is to be revoked, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:

- 1) A CLEAR AND CONCISE STATEMENT of the basis of the revocation. The statement shall include a citation to the provisions of the Act and this Part ~~these rules~~ on which the license is being revoked.
 - 2) A statement of the date on which the revocation will take effect as provided in subsection (c) of this Section and Section 3-119(d) of the Act ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(d))~~.
 - 3) A description of THE RIGHT OF THE FACILITY TO APPEAL THE REVOCATION OF THE LICENSE AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(b))~~
- c) The effective date of the revocation of a license shall be as

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.180(c) (continued)

provided in Section 3-119(d) of the Act. ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(d))~~

- d) The effective date of the revocation shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(d)(3))~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.190 Experimental Program Conflicting With Requirements

- a) Any facility desiring to conduct an experimental program or do research which is in conflict with this Part shall submit a written request to the Department and secure prior approval. The Department will not approve experimental programs which would violate residents rights under the Act. Such approval will be granted only if the request will not create an unnecessary and unusual threat to the health, welfare, or safety of the residents or staff. (A, B)

- b) The Department may grant to a facility special permission to provide day care when it has adequate facilities and staff to satisfactorily provide such services. Such permission will be based on compliance with the requirements in Section 390.3510. ~~(See Guidelines in Appendix B.)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.200 Inspections, Surveys, Evaluations and Consultation

- a) The terms survey, inspection and evaluation are synonymous. These terms refer to the overall examination of compliance with the Act and ~~the regulations in~~ this Part. All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to annual inspections, surveys and evaluations by properly identified personnel of the Department, or by such other properly identified persons, including local health department staff, as the Department may designate. AN INSPECTION, SURVEY OR EVALUATION, OTHER THAN AN INSPECTION OF FINANCIAL RECORDS SHALL BE UNANNOUNCED. CONSULTATIONS MAY BE ANNOUNCED. ~~(Ill. Rev. Stat. 1985 Supp., ch. 111, 1/2, par. 4153-212)~~. The licensee, or person representing the licensee in the facility, shall provide to the representative of the Department access and entry to the premises or facility for obtaining

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 390.200(a) (continued)

Section 390.200(c) (continued)

information required to carry out the Act and this Part ~~the rules promulgated thereunder~~. IN ADDITION, REPRESENTATIVES OF THE DEPARTMENT SHALL HAVE ACCESS TO AND MAY REPRODUCE OR PHOTOCOPY AT THE DEPARTMENT'S COST ANY BOOKS, RECORDS, AND OTHER DOCUMENTS MAINTAINED BY THE FACILITY, THE LICENSEE OR THEIR REPRESENTATIVES TO THE EXTENT NECESSARY TO CARRY OUT THE ~~THIS~~ ACT AND THIS PART ~~THE RULES PROMULGATED THEREUNDER~~ (Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-213). A facility may charge the Department for such photocopying at a rate determined by the facility not to exceed the rate in the Department's Freedom of Information rules ~~Rules~~ (2 Ill. Adm. Code 1126). (Sections 3-212 and 3-213 of the Act) ~~(G)~~

b) BEFORE MAKING MORE THAN THE REQUIRED NUMBER OF INSPECTIONS, SURVEYS AND EVALUATIONS OF A FACILITY, THE DEPARTMENT SHALL HAVE TAKEN INTO ACCOUNT THE FOLLOWING CRITERIA:

- 1) PREVIOUS INSPECTION REPORTS;
- 2) THE FACILITY'S HISTORY OF COMPLIANCE WITH THE ACT:
 - A) PRIOR CORRECTION OF VIOLATIONS;
 - B) PRIOR ENFORCEMENT ACTIONS;
 - C) NUMBER AND SEVERITY OF PRIOR COMPLAINTS;
- 3) NUMBER AND SEVERITY OF CURRENT COMPLAINTS;
- 4) ALLEGATIONS OF RESIDENT ABUSE OR NEGLIGENCE;
- 5) COMPLIANCE WITH DISASTER PREPAREDNESS PROVISIONS UNDER THE ACT;
- 6) OTHER REASONABLE BELIEF THAT DEFICIENCIES REGARDING THE ACT EXIST; ~~AND/OR~~ AND
- 7) requirements pursuant to the "1864 Agreement" (42 U.S.C.A. 1395aa) between the Department and U.S. Health and Human Services (HHS) (e.g., annual and follow-up certification inspections, life safety code inspections and any inspections requested by the secretary of HHS). ~~(G)~~ (Section 3-212(b) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-212(b))~~

c) UPON THE COMPLETION OF EACH INSPECTION, SURVEY AND EVALUATION, THE REPRESENTATIVE OF THE DEPARTMENT WHO CONDUCTED THE INSPECTION, SURVEY

OR EVALUATION SHALL SUBMIT A COPY OF THEIR REPORT TO THE LICENSEE OR THEIR REPRESENTATIVE, UPON EXITING THE FACILITY. A copy of the information gathered during a complaint investigation will not be provided upon exiting the facility. COMMENTS OR DOCUMENTATION PROVIDED BY THE LICENSEE WHICH MAY REFUTE FINDINGS IN THE REPORT, WHICH EXPLAIN EXTENUATING CIRCUMSTANCES THAT THE FACILITY COULD NOT REASONABLY HAVE PREVENTED, OR WHICH INDICATE METHODS AND TIMETABLES FOR CORRECTION OF DEFICIENCIES DESCRIBED IN THE REPORT SHALL BE PROVIDED TO THE DEPARTMENT WITHIN ~~10~~ TEN DAYS OF RECEIPT OF THE COPY OF THE REPORT. (Section 3-212(c) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-212(c))~~

d) Consultation consists of providing advice or suggestions to the staff of a facility at their request relative to specific matters of the scope of regulation, methods of compliance with the Act or this Part, ~~rules, and/or~~ or general matter of patient care.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.210 Filing an Annual Attested Financial Statement

- a) EACH LICENSEE SHALL SUBMIT AN ANNUAL ATTESTED FINANCIAL STATEMENT TO THE DEPARTMENT. THIS FINANCIAL STATEMENT SHALL BE FILED IN A PRESCRIBED FORMAT ON FORMS SUPPLIED BY THE DEPARTMENT. THE FORMS WILL BE DEVELOPED IN CONJUNCTION WITH THE ILLINOIS DEPARTMENT OF PUBLIC AID. ~~(G)~~ The time period covered in the financial statement shall be a period determined by the Department for the initial filing, and shall thereafter coincide with the facility's fiscal year or the calendar year. (Section 3-208 of the Act) ~~(G)~~
- b) THE DEPARTMENT MAY REQUIRE ANY FACILITY TO FILE AN AUDITED FINANCIAL STATEMENT, IF THE DEPARTMENT DETERMINES THAT SUCH A STATEMENT IS NEEDED. (Section 3-208 of the Act)
- c) THE DEPARTMENT MAY REQUIRE ANY OR ALL FACILITIES TO SUBMIT ATTESTED OR AUDITED FINANCIAL STATEMENTS MORE FREQUENTLY THAN ANNUALLY, IF THE DEPARTMENT DETERMINES THAT MORE FREQUENT FINANCIAL STATEMENTS ARE NEEDED. THE FREQUENCY AND TIME PERIOD OF SUCH FILINGS SHALL BE AS DETERMINED BY THE DEPARTMENT FOR EACH INDIVIDUAL FACILITY. (Section 3-208 of the Act)
- d) The financial statement shall be filed with the Department within ~~ninety~~ ~~(90)~~ days following the end of the designated reporting period. ~~(G)~~ The financial statement will not be considered as

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.210(d) (continued)

having been filed unless all sections of the prescribed forms have been properly completed. Those sections which do not apply to a particular facility shall be noted "not applicable" on the forms. ~~(c)~~

e) The information required to be submitted in the financial statement will include, but is not limited to, the following:

- 1) Facility information, including: facility name and address, licensure information, type of ownership, licensed bed capacity, date and cost of building construction and additions, date and cost of acquisition of buildings, building sizes, equipment costs and dates of acquisition. ~~(c)~~
- 2) Resident information, including: number and level of care of residents by source of payment, income from residents by level of care. ~~(c)~~
- 3) Cost information by level of care, including:
 - A) General service costs; such as dietary, food, housekeeping, laundry, utilities, and plant operation and maintenance. ~~(c)~~
 - B) Health care costs; such as medical director, nursing, medications, oxygen, activities, medical records, other medical services, social services, and utilization reviews. ~~(c)~~
 - C) General Administration; such as administrative salaries, professional services, fees, subscriptions, promotional, insurance, travel, clerical, employee benefits, license fees, and inservice training and education. ~~(c)~~
 - D) Ownership; such as depreciation, interest, taxes, rent, and leasing. ~~(c)~~
 - E) Special Service cost centers; such as habilitative and rehabilitative services, therapies, transportation, education, barber and beauty care, and gift and coffee shop. ~~(c)~~
- 4) Income information, including operating and non-operating income. ~~(c)~~
- 5) Ownership information, including balance sheet and payment to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.210(e)(5) (continued)

owners. ~~(c)~~

- 6) Personnel information, including the number and type of people employed and salaries paid. ~~(c)~~
- 7) Related organization information, including related organizations from which services are purchased. ~~(c)~~

f) The new owner or a new lessee of a previously licensed facility may file a projection of capital costs at the time of closing or signing of the lease.

- 1) A facility which is licensed for the first time (a newly constructed facility) must file a projection of capital costs. ~~(c)~~
- 2) Each of the above must file a full cost report within nine ~~(9)~~ months after acquisition (covering the first six ~~(6)~~ months of operation). Each must also file a cost report within ~~(12)~~ ~~(9)~~ days of the close of its first complete fiscal year. ~~(c)~~
- g) NO PUBLIC FUNDS SHALL BE EXPENDED FOR THE MAINTENANCE OF ANY RESIDENT IN ANY FACILITY WHICH HAS FAILED TO FILE THIS FINANCIAL STATEMENT, AND NO PUBLIC FUNDS SHALL BE PAID TO, OR ON BEHALF OF, A FACILITY WHICH HAS FAILED TO FILE THE STATEMENT. (Section 3-208(b) of the Act)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.220 Information to Be Made Available to the Public By the Department

a) THE DEPARTMENT SHALL RESPECT THE CONFIDENTIALITY OF A RESIDENT'S RECORD AND SHALL NOT DIVULGE OR DISCLOSE THE CONTENTS OF A RECORD IN A MANNER WHICH IDENTIFIES A RESIDENT, EXCEPT UPON A RESIDENT'S DEATH TO A RELATIVE OR GUARDIAN, OR UNDER JUDICIAL PROCEEDINGS. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE RIGHT OF A RESIDENT OR A RESIDENT'S REPRESENTATIVE TO INSPECT OR COPY THE RESIDENT'S RECORDS. (Section 2-206(a) of the Act)

b) CONFIDENTIAL MEDICAL, SOCIAL, PERSONAL OR FINANCIAL INFORMATION IDENTIFYING A RESIDENT SHALL NOT BE AVAILABLE FOR PUBLIC INSPECTION IN A MANNER WHICH IDENTIFIES A RESIDENT. (Section 2-206(b) of the Act) ~~(c)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.220 (continued)

c) THE FOLLOWING INFORMATION IS SUBJECT TO DISCLOSURE TO THE PUBLIC FROM THE DEPARTMENT OR THE DEPARTMENT OF PUBLIC AID:

1) INFORMATION SUBMITTED UNDER SECTIONS 3-103 AND 3-207 OF THE ACT, EXCEPT INFORMATION CONCERNING THE REMUNERATION OF PERSONNEL LICENSED, REGISTERED, OR CERTIFIED BY THE DEPARTMENT OF ~~REGISTRATION AND EDUCATION~~ PROFESSIONAL REGULATION AND MONTHLY CHARGES FOR AN INDIVIDUAL PRIVATE RESIDENT;

2) RECORDS OF LICENSE AND CERTIFICATION INSPECTIONS, SURVEYS, AND EVALUATIONS OF FACILITIES, OTHER REPORTS OF INSPECTIONS, SURVEYS, AND EVALUATIONS OF RESIDENT CARE, AND REPORTS CONCERNING A FACILITY PREPARED PURSUANT TO TITLES XVII AND XIX OF THE SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1396 et seq.) SUBJECT TO THE PROVISIONS OF THE SOCIAL SECURITY ACT (42 U.S.C.A. 301 et seq.);

3) COST AND REIMBURSEMENT REPORTS SUBMITTED BY A FACILITY UNDER SECTION 3-208 OF THE ACT REPORTS OF AUDITS OF FACILITIES, AND OTHER PUBLIC RECORDS CONCERNING THE COST INCURRED BY, REVENUES RECEIVED BY, AND REIMBURSEMENT OF FACILITIES; AND

4) COMPLAINTS FILED AGAINST A FACILITY AND COMPLAINT INVESTIGATION REPORTS, EXCEPT THAT A COMPLAINT OR COMPLAINT INVESTIGATION REPORT SHALL NOT BE DISCLOSED TO A PERSON OTHER THAN THE COMPLAINANT OR COMPLAINANT'S REPRESENTATIVE BEFORE IT IS DISCLOSED TO A FACILITY UNDER SECTION 3-702 OF THE ACT, AND, FURTHER, EXCEPT THAT A COMPLAINANT OR RESIDENT'S NAME SHALL NOT BE DISCLOSED EXCEPT UNDER SECTION 3-702 OF THE ACT. (Section 2-205 of the Act)

d) ~~5)~~ THE DEPARTMENT SHALL DISCLOSE INFORMATION UNDER THIS SECTION IN ACCORDANCE WITH PROVISIONS FOR INSPECTION AND COPYING OF PUBLIC RECORDS REQUIRED BY THE FREEDOM OF INFORMATION ACT (Ill. Rev. Stat. ~~1984 Supp.~~ 1987, ch. 116, par. 201 et seq.). ~~AND~~

e) ~~6)~~ HOWEVER, THE DISCLOSURE OF INFORMATION DESCRIBED IN SUBSECTION (1) SHALL NOT BE RESTRICTED BY ANY PROVISION OF THE FREEDOM OF INFORMATION ACT. (Section 2-205 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-205)~~

f) ~~4)~~ Copies of reports available to the public may be obtained by making a written request to the Department in accordance with the Department's Freedom of Information rules (2 Ill. Adm. Code 1126). However, access to cost reports shall be governed by Department of Public Aid

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.220 (continued)

rule "Access to Cost Reports" (89 Ill. Adm. Code 140.544). The Department may, at its discretion, waive this fee if the party requesting the material is involved in legal action with the Department.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.230 Information to Be Made Available to the Public By the Licensee

a) EVERY FACILITY SHALL CONSPICUOUSLY POST OR DISPLAY IN AN AREA OF IT ACCESSIBLE TO RESIDENTS, EMPLOYEES, AND VISITORS THE FOLLOWING:

1) ITS CURRENT LICENSE; ~~(G)~~

2) A DESCRIPTION, PROVIDED BY THE DEPARTMENT OF COMPLAINT PROCEDURES ESTABLISHED UNDER THE ~~"NURSING HOME CARE REFORM ACT OF 1979"~~ AND THE NAME, ADDRESS, AND TELEPHONE NUMBERS OF A PERSON AUTHORIZED BY THE DEPARTMENT TO RECEIVE COMPLAINTS; ~~(G)~~

3) A COPY OF ANY ORDER PERTAINING TO THE FACILITY ISSUED BY THE DEPARTMENT OR A COURT; AND ~~(G)~~

4) A LIST OF THE MATERIAL AVAILABLE FOR PUBLIC INSPECTION UNDER SUBSECTION (b) OF THIS SECTION AND SECTION 3-210 OF THE ~~"NURSING HOME CARE REFORM ACT OF 1979"~~. (Section 3-209 of the Act) ~~(G)~~

b) A FACILITY SHALL RETAIN THE FOLLOWING FOR PUBLIC INSPECTION:

1) A COMPLETE COPY OF EVERY INSPECTION REPORT OF THE FACILITY RECEIVED FROM THE DEPARTMENT DURING THE PAST FIVE ~~(5)~~ YEARS; ~~(G)~~

2) A COPY OF EVERY ORDER PERTAINING TO THE FACILITY ISSUED BY THE DEPARTMENT OR A COURT DURING THE PAST FIVE ~~(5)~~ YEARS; ~~(G)~~

3) A DESCRIPTION OF THE SERVICES PROVIDED BY THE FACILITY AND THE RATES CHARGED FOR THOSE SERVICES AND ITEMS FOR WHICH A RESIDENT MAY BE SEPARATELY CHARGED; ~~(G)~~

4) A COPY OF THE STATEMENT OF OWNERSHIP REQUIRED BY SECTION 3-207 OF THE ~~"NURSING HOME CARE REFORM ACT OF 1979"~~; ~~(G)~~

Section 390.230(b) (continued)

- 5) A RECORD OF PERSONNEL EMPLOYED OR RETAINED BY THE FACILITY WHO ARE LICENSED, CERTIFIED OR REGISTERED BY THE DEPARTMENT OF ~~REGISTRATION AND EDUCATION~~ PROFESSIONAL REGULATION; AND ~~(C)~~
- 6) A COMPLETE COPY OF THE MOST RECENT INSPECTION REPORT OF THE FACILITY RECEIVED FROM THE DEPARTMENT. (Section 3-210 of the Act) ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.240 Municipal Licensing

- a) MUNICIPALITIES WHICH HAVE ADOPTED A LICENSING ORDINANCE AS PROVIDED UNDER SECTION 3-104 OF THE "NURSING HOME CARE REFORM ACT OF 1979" AND THIS PART SHALL ADOPT THIS PART ~~THESE MINIMUM STANDARDS, RULES AND REGULATIONS FOR A LONG TERM CARE FACILITY FOR PERSONS UNDER TWENTY TWO (22) YEARS OF AGE BY REFERENCE~~ BY COMPLYING WITH ARTICLE I, DIVISION 3, OF THE "ILLINOIS MUNICIPAL CODE" (Ill. Rev. Stat. ~~1981~~ 1987, ch. 24, par. 1-3-1 et seq. ~~131 through 136~~)

- b) Municipalities shall issue licenses so that the expiration dates are distributed throughout the calendar year. The month the license expires shall coincide with the date of original licensure of the licensee. During the ~~twenty four (24)~~ four (4) month period following the effective date of the "Nursing Home Care Reform Act of 1979", the municipality may issue renewal licenses for period of less than one ~~(1)~~ year in order to distribute the expiration date of such licenses throughout the calendar year.

- c) The municipality shall notify the Department within ten ~~(10)~~ days from the date of issuance or denial of a license that the municipal license has been issued or denied. If the license is issued, the notice will include the facility name, address, the date of issuance and the number of beds by level of care for which the license was issued. If the license is denied, the notice will indicate reason for denial and the current status of licensee's (applicant's) application for municipal license.

- d) The municipality shall use the same licensing classifications as the Department; and a facility may not be licensed for a different classification by the Department than by the municipality.

Section 390.240 (continued)

- e) The Department and the municipality shall have the right at any time to visit and inspect the premises and personnel of any facility for the purpose of determining whether the applicant or licensee is in compliance with the "Nursing Home Care Reform Act of 1979", this Part or with the local ordinances which govern the regulation of the facility. The Department may survey any former facility which once held a license to insure that the facility is not again operating without a license. Municipalities may charge a reasonable license or renewal fee for the regulation of facilities, which fees shall be in addition to the fees paid to the Department.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.250 Ownership Disclosure

- a) AS A CONDITION OF THE ISSUANCE OR RENEWAL OF THE LICENSE OF ANY FACILITY, THE APPLICANT SHALL FILE A STATEMENT OF OWNERSHIP. THE APPLICANT SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN ~~AGREE TO UPDATE THE INFORMATION REQUIRED IN THE STATEMENT OF OWNERSHIP WITHIN TEN DAYS OF THE CHANGE. (Section 3-207(a) of the Act)~~ ~~EVERY SIX (6) MONTHS FROM THE INITIAL DATE OF FILING IF THERE IS ANY CHANGE.~~ ~~(C)~~

- b) A statement of ownership shall include the following:

- 1) The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five ~~(5)~~ percent or more in the legal entity designated as the operator/licensee of the facility which is the subject of the application or license; ~~(C)~~
- 2) The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five ~~(5)~~ percent or more in the legal entity that owns the building in which the operator/licensee is operating the facility which is the subject of the application or license; and ~~(C)~~
- 3) THE NAME AND ADDRESS OF ANY FACILITY, WHEREVER LOCATED, IN WHICH

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 390.250(b)(3) (continued)

Section 390.260(d) (continued)

THE APPLICANT HAS ANY OWNERSHIP INTEREST. (Section 3-207(b) of the Act) ~~(6)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.260 Issuance of Conditional Licenses

a) THE DIRECTOR MAY ISSUE A CONDITIONAL LICENSE TO ANY FACILITY IF THE DIRECTOR FINDS THAT EITHER A TYPE "A" OR TYPE "B" VIOLATION EXISTS IN SUCH FACILITY. THE ISSUANCE OF A CONDITIONAL LICENSE SHALL REVOKE ANY LICENSE HELD BY THE FACILITY. (Section 3-311 of the Act)

b) PRIOR TO THE ISSUANCE OF A CONDITIONAL LICENSE, THE DEPARTMENT SHALL REVIEW AND APPROVE A WRITTEN PLAN OF CORRECTION. THE DEPARTMENT SHALL SPECIFY THE VIOLATIONS WHICH PREVENT FULL LICENSE AND SHALL ESTABLISH A TIME SCHEDULE FOR CORRECTION OF THE DEFICIENCIES. RETENTION OF THE LICENSE SHALL BE CONDITIONAL UPON THE CORRECTION OF THE DEFICIENCIES IN ACCORDANCE WITH THE PLAN OF CORRECTION. (Section 3-312 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-312)~~

c) WRITTEN NOTICE OF THE DECISION TO ISSUE A CONDITIONAL LICENSE SHALL BE SENT TO THE APPLICANT OR LICENSEE TOGETHER WITH THE SPECIFICATION OF ALL VIOLATIONS OF THE ACT AND THE RULES PROMULGATED THEREUNDER WHICH PREVENT FULL LICENSE AND WHICH FORM THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE AND THE REQUIRED PLAN OF CORRECTION. THE NOTICE SHALL INFORM THE APPLICANT OR LICENSEE OF ITS RIGHT TO A FULL HEARING UNDER SECTION 3-315 OF THE ACT TO CONTEST THE ISSUANCE OF THE CONDITIONAL LICENSE. (Section 3-313 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-312)~~

~~d) IF THE FACILITY DESIRES TO HAVE AN INFORMAL CONFERENCE, IT SHALL, WITHIN FOUR (4) WORKING DAYS FROM RECEIPT OF THE NOTICE UNDER THE ACT, SEND A WRITTEN REQUEST FOR AN INFORMAL CONFERENCE TO THE DEPARTMENT. THE DEPARTMENT SHALL, WITHIN FOUR (4) WORKING DAYS FROM THE RECEIPT OF THE REQUEST, HOLD AN INFORMAL CONFERENCE. FOLLOWING THIS CONFERENCE, THE DEPARTMENT MAY AFFIRM OR OVERRULE ITS PREVIOUS DECISION OR MODIFY THE TERMS OF THE CONDITIONAL LICENSE AND PLAN OF CORRECTION. THE CONDITIONAL LICENSE MAY BE ISSUED AFTER THE INFORMAL CONFERENCE OR AFTER THE TIME FROM REQUESTING AN INFORMAL CONFERENCE HAS EXPIRED, PRIOR TO ANY FURTHER HEARING.~~

d) ~~e)~~ IF THE APPLICANT OR LICENSEE DESIRES TO PROTEST THE BASIS FOR ISSUANCE OF A CONDITIONAL LICENSE OR THE TERM OF THE LICENSE, OR PLAN

OF CORRECTION, THE APPLICANT OR LICENSEE SHALL SEND A WRITTEN REQUEST FOR HEARING TO THE DEPARTMENT WITHIN TEN ~~(40)~~ DAYS AFTER RECEIPT BY THE APPLICANT OR LICENSEE OF THE DEPARTMENT'S NOTICE AND DECISION TO ISSUE A CONDITIONAL LICENSE. THE DEPARTMENT SHALL HOLD THE HEARING AS PROVIDED UNDER THE ACT. (Section 3-315 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-315)~~

e) ~~f)~~ A CONDITIONAL LICENSE SHALL BE ISSUED FOR A PERIOD SPECIFIED BY THE DEPARTMENT, BUT IN NO EVENT FOR MORE THAN ONE ~~(1)~~ YEAR. THE DEPARTMENT SHALL PERIODICALLY INSPECT ANY FACILITY OPERATING UNDER A CONDITIONAL LICENSE. IF THE DEPARTMENT FINDS SUBSTANTIAL FAILURE BY THE FACILITY TO CORRECT THE VIOLATIONS WHICH PREVENTED FULL LICENSE AND FORMED THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE IN ACCORDANCE WITH THE REQUIRED PLAN OF CORRECTION, THE CONDITIONAL LICENSE MAY BE REVOKED AS PROVIDED UNDER THE ACT. (Section 3-316 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-316)~~

~~g) IF THE DEPARTMENT DETERMINES THAT A CONDITIONAL LICENSE SHALL EXPIRE WITHOUT RENEWAL OR REPLACEMENT OF THE CONDITIONAL LICENSE BY A REGULAR LICENSE, THE DEPARTMENT SHALL SO NOTIFY THE LICENSEE AT LEAST THIRTY (30) DAYS PRIOR TO EXPIRATION OF THE LICENSE. THE LICENSEE IS ENTITLED TO A HEARING UNDER THE ACT IF REQUESTED PRIOR TO EXPIRATION OF THE LICENSE.~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.270 Monitor and Receivership

a) THE DEPARTMENT MAY PLACE AN EMPLOYEE OR AGENT TO SERVE AS A MONITOR IN A FACILITY WHEN ANY OF THE FOLLOWING CONDITIONS EXIST:

- 1) THE FACILITY IS OPERATING WITHOUT A LICENSE;
- 2) THE DEPARTMENT HAS SUSPENDED, REVOKED OR REFUSED TO RENEW THE EXISTING LICENSE OF THE FACILITY;
- 3) THE FACILITY IS CLOSING OR HAS INFORMED THE DEPARTMENT THAT IT INTENDS TO CLOSE AND ADEQUATE ARRANGEMENTS FOR RELOCATION OF RESIDENTS HAVE NOT BEEN MADE AT LEAST 30 DAYS PRIOR TO CLOSURE; ~~OR~~
- 4) THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS, WHETHER OR NOT IT HAS INITIATED REVOCATION OR NONRENEWAL PROCEDURES, IF

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.270(a)(4) (continued)

BECAUSE OF THE UNWILLINGNESS OR INABILITY OF THE LICENSEE TO REMEDY THE EMERGENCY THE DEPARTMENT BELIEVES A MONITOR IS NECESSARY; or

- 5) The Department receives notification that THE FACILITY IS TERMINATED OR WILL NOT BE RENEWED FOR PARTICIPATION IN THE FEDERAL REIMBURSEMENT PROGRAM UNDER EITHER TITLE XVIII (Medicaid) OR TITLE XIX (Medicare) OF THE SOCIAL SECURITY ACT. (Section 3-501 of the Act) ~~(Ill. Rev. Stat. 1983, ch. 111-1/2, par. 4153-501)~~

- b) The monitor shall meet the following minimum requirements:

- 1) be in good physical health as evidenced by a physical examination by a physician within the last year;
 - 2) have an understanding of the needs of nursing home residents as evidenced by one year of experience in working with the elderly in programs such as patient care, social work or advocacy;
 - 3) have an understanding of the ~~Nursing Home Care Reform~~ Act ~~(hereinafter, the Act)~~ and this Part ~~the rules and regulations promulgated to enforce the Act~~ which are the subject of the monitors' duties as evidenced in a personal interview of the candidate;
 - 4) not be related to the owners of the involved facility through blood, marriage or common ownership of real or personal property except ownership of stock that is traded on a stock exchange;
 - 5) successfully completed a baccalaureate degree; ~~and/or~~ and
 - 6) two years full-time work experience in the long-term care industry of the State of Illinois.
- c) The monitor shall be under the supervision of the ~~Division of Enforcement, Office of Health Regulation, Illinois~~ Department ~~of Public Health~~; shall perform the duties of a monitor delineated in Section 3-502 of the Act; and accomplish the following actions:
- 1) visit the facility at least five ~~(5)~~ days per week or as directed by the Department;
 - 2) review all records pertinent to the condition for such monitor's

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.270(c)(2) (continued)

placement under subsection (a) of this Section ~~above~~;

- 3) provide to the Department ~~Division of Enforcement, Office of Health Regulation~~, a weekly written report and a daily oral report detailing the observed conditions of the facility; and
 - 4) shall be available as a witness for hearings involving the condition for placement as monitor.
- d) All communications, including but not limited to data, memoranda, correspondence, records and reports shall be transmitted to and become the property of the Department, plus, findings and results of the monitor's work done under this Part ~~these rules and regulations~~ shall be strictly confidential and not subject to disclosure without written authorization from the Department ~~Division of Enforcement, Office of Health Regulation~~, or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the ~~Nursing Home Care Reform Act of 1979~~.
- e) The assignment as monitor may be terminated at any time by the Department ~~Division of Enforcement, Office of Health Regulation~~.
- f) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:
- 1) be in good physical health as evidenced by a physical examination by a physician within the last year;
 - 2) have an understanding of the needs of nursing home residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working with the elderly in programs such as patient care, social work, or advocacy;
 - 3) have an understanding and working knowledge of the Act and this Part ~~rules and regulations promulgated thereunder~~ as evidenced in a personal interview of the candidate;

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.270(f) (continued)

- 4) have successfully completed a baccalaureate degree; and
- 5) have two years full-time working experience in the Illinois long-term care industry.
- g) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date which concern the facility.
- h) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.
- i) In the case of Department ordered patient transfers, the receiver may:
 - 1) assist in providing for the orderly transfer of all residents in the facility to other suitable facilities, or make other provisions for their continued health;
 - 2) assist in providing for transportation of the resident, his medical records and his belongings if he is transferred or discharged; assist in locating alternative placement; assist in preparing the resident for transfer; and permit the resident's legal guardian to participate in the selection of the resident's new location;
 - 3) unless emergency transfer is necessary, explain alternative placements to the resident and provide orientation to the place chosen by the resident or resident's guardian.

j) IN ANY ACTION OR SPECIAL PROCEEDING BROUGHT AGAINST A RECEIVER IN THE RECEIVER'S OFFICIAL CAPACITY FOR ACTS COMMITTED WHILE CARRYING OUT THE AFORESAID POWERS AND DUTIES, THE RECEIVER SHALL BE CONSIDERED A PUBLIC EMPLOYEE UNDER THE ~~LOCAL GOVERNMENTAL AND GOVERNMENTAL~~ EMPLOYEES TORT IMMUNITY ACT ~~111. Rev. Stat. 1983, ch. 85, par. 1-101 et seq.~~ A RECEIVER MAY BE HELD LIABLE IN A PERSONAL CAPACITY ONLY FOR THE RECEIVER'S OWN GROSS NEGLIGENCE, INTENTIONAL ACTS OR BREACH OF FIDUCIARY DUTY. (Section 3-513 of the Act) ~~(111. Rev. Stat. 1983, ch. 111 1/2, par. 4153-513)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.272 Determination to Issue a Notice of Violation or Administrative Warning

- a) Upon receipt of a report of an inspection, survey or evaluation of a facility, the Director or his designee shall review the findings contained in the report to determine WHETHER THE REPORT'S FINDINGS CONSTITUTE A VIOLATION OR VIOLATIONS OF WHICH THE FACILITY MUST BE GIVEN NOTICE AND WHICH THREATEN THE HEALTH, SAFETY, OR WELFARE OF A RESIDENT OR RESIDENTS. All information, evidence, and observations made during an inspection, survey or evaluation shall be considered findings or deficiencies. (Section 3-212(c) of the Act)
- b) In making this determination, the Director or his designee shall consider any COMMENTS AND DOCUMENTATION PROVIDED BY THE FACILITY within ~~10~~ ten days of receipt of the report in accordance with Section 390.200(c). (Section 3-212(c) of the Act)
- c) In determining whether the findings warrant the issuance of a notice of violation, the Director or his designee shall base his determination on the following factors:
 - 1) THE SEVERITY OF THE FINDING. The Director or his designee will consider whether the finding constitutes a merely technical non-substantial error or whether the finding is serious enough to constitute an actual violation of the intent and purpose of the standard.
 - 2) THE DANGER POSED TO RESIDENT HEALTH AND SAFETY. The Director or his designee will consider whether the finding could pose any direct ~~or indirect~~ harm to the residents.
 - 3) THE DILIGENCE AND EFFORTS TO CORRECT DEFICIENCIES AND CORRECTION OF REPORTED DEFICIENCIES BY THE FACILITY. Consideration will be given to any evidence provided by the facility in its comments and documentation that steps have been taken to reduce noted findings and to insure a reduction of deficiencies.
 - 4) THE FREQUENCY AND DURATION OF SIMILAR FINDINGS IN PREVIOUS REPORTS AND THE FACILITY'S GENERAL INSPECTION HISTORY. The director or his designee will consider whether the same finding or a similar finding relating to the same condition or occurrence has been included in previous reports and the facility has allowed the condition or occurrence to continue or to recur. (Section 3-212(c) of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-212(c))~~
- d) If the Director or his designee determines that the report's findings

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.272(d) (continued)

constitute a violation or violations which do not directly threaten the health, safety, or welfare of a resident or residents, the DEPARTMENT SHALL ISSUE AN ADMINISTRATIVE WARNING as provided in Section 390.277. (Section 3-303.2(a) of the Act)

e) ~~4)~~ VIOLATIONS SHALL BE DETERMINED UNDER THIS SECTION NO LATER THAN 60 DAYS AFTER COMPLETION OF EACH INSPECTION, SURVEY AND EVALUATION. (Section 3-212(c) of the Act) ~~(Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4153-212(c))~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.274 Determination of the Level of a Violation

a) After determining that issuance of a notice of violation is warranted and prior to issuance of the notice, the Director or his designee will review the findings which are the basis of the violation and any comments and documentation provided by the facility to determine the level of the violation. Each violation shall be determined to be either a level A ~~or level B, or level C~~ violation based on the criteria outlined in this Section.

b) The following definitions of levels of violations shall be used in determining the level of each violation:

1) A "level A violation" or "type A violation" is A VIOLATION OF THE ACT OR THESE RULES WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM WILL RESULT THEREFROM. (Section 1-129 of the Act) ~~(Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4151-129)~~

2) A "level B violation" or "type B violation" is A VIOLATION OF THE ACT OR THESE RULES WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act) ~~(Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4151-130)~~

3) A "level C violation" or "type C violation" is A VIOLATION OF THE ACT OR THESE RULES WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY WHICH INDIRECTLY THREATENS THE HEALTH, SAFETY OR WELFARE OF A

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.274(b) (continued)

~~RESIDENT. (Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4151-131)~~

c) In determining the level of a violation, the Director or his designee shall consider the following criteria:

1) The specific requirements of this Part which have been violated and the designated level of violation for those provisions.

A) The designated level of violation is indicated by the letter or letters in parentheses following specific provisions. The presence of more than one letter following a specific provision indicates that the provision may be applicable to different levels of violation. The absence of any letter following a specific provision indicates that no designated level of violation applicable to that provision has been determined.

B) The designated level of violation will be considered in conjunction with the other criteria contained in subsections (c)(2) and (c)(3) of this Section which may increase or decrease the level of violation cited for a specific violation, except that no violation ~~of a~~ ~~requirement designated as level C~~ will be cited as a level B violation unless there is a direct threat to the health, safety or welfare of a resident, or as a level A violation unless there is a substantial probability of the death of a resident or serious mental or physical harm to a resident.

2) The degree of danger to the resident or residents which is posed by the condition or occurrence in the facility. The following factors will be considered in assessing the degree of danger:

A) Whether the resident or residents of the facility are able to recognize conditions or occurrences which may be harmful and are able to take measures for self-preservation and self-protection. The extent of nursing care required by the residents as indicated by review of patient needs will be considered in relation to this determination.

B) Whether the resident or residents have access to the area of the facility in which the condition or occurrence exists and the extent of such access. A facility's use of barriers, warning notices, instructions to staff and other means of restricting resident access to hazardous areas

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.274(c)(2)(B) (continued)

will be considered.

- C) Whether the condition or occurrence was the result of inherently hazardous activities or negligence by the facility.
- D) Whether the resident or residents of the facility were notified of the condition or occurrence and the promptness of such notice. Failure of the facility to notify residents of potentially harmful conditions or occurrences will be considered. The adequacy of the method of such notification and the extent to which such notification reduced the potential danger to the residents will also be considered.
- 3) The directness and imminence of the danger to the resident or residents by the condition or occurrence in the facility. In assessing the directness and imminence of the danger, the following factors will be considered:
 - A) Whether actual harm, including death, physical injury or illness, mental injury or illness, distress, or pain, to a resident or residents resulted from the condition or occurrence and the extent of such harm.
 - B) Whether available statistics and records from similar facilities indicate that direct and imminent danger to the resident or residents has resulted from similar conditions or occurrences and the frequency of such danger.
 - C) Whether professional opinions and findings indicate that direct and imminent danger to the resident or residents will result from the condition or occurrence.
 - D) Whether the condition or occurrence was limited to a specific area of the facility or was widespread throughout the facility. Efforts taken by the facility to limit or reduce the scope of the area affected by the condition or occurrence will be considered.
 - E) Whether the physical, mental, or emotional state of the resident or residents, who are subject to the danger, would facilitate or hinder harm actually resulting from the condition or occurrence.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.276 Notice of Violation

a) EACH NOTICE OF VIOLATION SHALL BE IN WRITING AND SHALL CONTAIN THE FOLLOWING INFORMATION:

- 1) A description of THE NATURE OF THE VIOLATION.
- 2) A citation of the specific STATUTORY PROVISION OR RULE which the Department believes has been violated. (Section 3-301 of the Act) ~~411 Rev. Stat. 1985, ch. 111 1/2, par. 4153-301~~
- 3) A statement of the level of the violation as determined pursuant to Section 390.274.
- 4) One of the following requirements for corrective action:
 - A) For level A violations, a statement that necessary corrective action to ABATE OR ELIMINATE the violation must be taken IMMEDIATELY or within a specific FIXED PERIOD OF TIME NOT EXCEEDING 15 DAYS. In setting this period, the Department will consider whether harm to residents of the facility is imminent, whether necessary precautions can be taken to protect residents before the corrective action is completed, and whether delay would pose additional risks to the residents.
 - B) For level B violations ~~and level C violations~~, a REQUEST that the facility submit A PLAN OF CORRECTION WITHIN ~~TO TEN DAYS OF THE RECEIPT OF THE NOTICE OF VIOLATION~~ pursuant to Section 3-303 of the Act ~~411 Rev. Stat. 1985, ch. 111 1/2, par. 4153-303~~ and Section 390.278 of this Part. (Section 3-301 of the Act)
- 5) A statement that the Department may take additional action under the Act, including assessment of penalties or licensure action.
- 6) A description of the licensee's right to appeal the notice and its right to a hearing.
- b) Each notice of violation shall be sent to the facility and the licensee ~~by registered mail~~ or served personally at the facility WITHIN TEN DAYS after the Director or his designee determines that issuance of a notice of violation is warranted under Section 390.272. (Section 3-301 of the Act)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.277 Administrative Warning

a) Each administrative warning shall be in writing and shall include the following information:

- 1) A description of the nature of the violation.
- 2) A citation of the specific statutory provision or rule which the Department believes has been violated.
- 3) A statement that the FACILITY SHALL BE RESPONSIBLE FOR CORRECTING THE SITUATION, CONDITION, OR PRACTICE. (Section 3-303.2(a) of the Act)

b) Each administrative warning shall be sent to the facility and the licensee or served personally at the facility within ten days after the Director or his designee determines that issuance of an administrative warning is warranted under Section 390.272.

c) The facility is not required to submit a plan of correction in response to an administrative warning.

d) If the Department finds, during THE NEXT ON-SITE INSPECTION WHICH OCCURS MORE THAN 90 DAYS AFTER THE ISSUANCE OF THE ADMINISTRATIVE WARNING, that the facility has not CORRECTED THE SITUATION, CONDITION, OR PRACTICE WHICH RESULTED IN THE ISSUANCE OF THE ADMINISTRATIVE WARNING, the Department shall notify the facility of the finding. The facility must then SUBMIT A WRITTEN PLAN OF CORRECTION as provided in Section 390.278. The Department will consider the plan of correction and take any necessary action in accordance with Section 390.278. (Section 3-303.2(b) of the Act)

(Source: Added at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.278 Plans of Correction

a) A FACILITY SHALL HAVE ~~10~~ TEN DAYS AFTER RECEIPT OF A NOTICE OF VIOLATION FOR A LEVEL B ~~OR LEVEL C~~ VIOLATION, or after receipt of a notice under Section 390.277(d) of failure to correct a situation, condition, or practice which resulted in the issuance of an administrative warning, TO PREPARE AND SUBMIT A PLAN OF CORRECTION to the Department. (Section 3-303(b) of the Act)

b) Within the ~~10~~ ten-day period, a facility may request additional time for submission of the plan of correction. The Department will extend the period for submission of the plan of correction for an

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.278(b) (continued)

additional 30 days, when it finds that corrective action by a facility to abate or eliminate the violation will require SUBSTANTIAL CAPITAL IMPROVEMENT. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the facility in determining whether to grant a requested extension. (Section 3-303(b) of the Act)

- c) Each plan of correction shall be based on an assessment by the facility of the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:
 - 1) A description of the specific corrective action the facility is taking, or plans to take, to abate, eliminate, or correct the violation cited in the notice.
 - 2) A description of the steps which will be taken to avoid future occurrences of the same and similar violations.
 - 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.
- e) The Department shall review each plan of correction to insure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:

- 1) The plan does not appear to address the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences.
- 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
- 3) The plan does not provide for measures which will abate or eliminate, or correct the violation.
- 4) The plan does not provide steps which will avoid future

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.278(e)(4) (continued)

occurrences of the same and similar violations.

- 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the residents, and the extent and complexity of the corrective action.
- f) When the Department rejects a submitted plan of correction, it shall notify the facility. The notice of rejection shall be in writing and shall specify THE REASON FOR THE REJECTION. THE FACILITY SHALL HAVE ~~TO~~ TEN DAYS AFTER RECEIPT OF THE NOTICE OF REJECTION TO SUBMIT A MODIFIED PLAN. (Section 3-303(b) of the Act)
- g) If a facility fails to submit a plan or modified plan meeting the criteria in subsection (c) within the prescribed time periods in subsection (a) or subsection (d), AN APPROVED PLAN OF CORRECTION WILL BE IMPOSED BY THE DEPARTMENT. (Section 3-303(b) of the Act) ~~(Rev. Stat. 1985, ch. 111 1/2, par. 4153-303(b))~~
- h) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

Section 390.280 Reports of Correction

- a) In lieu of submission of a plan of correction, a facility may submit a report of correction if the corrective action has been completed. The report of correction must be submitted within the time periods required in Section 390.278 for submission of a plan of correction.
- b) Each report of correction shall be based on an assessment by the facility of the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each report of correction shall include:

- 1) A description of the specific corrective action the facility has taken to abate, eliminate, or correct the violation cited in the notice.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.280(b) (continued)

- 2) A description of the steps which have been taken to avoid future occurrences of the same and similar violations.
- 3) The specific date on which the corrective action was completed.
- 4) A signed statement by the administrator of the facility that the report of correction is true and accurate, which shall be considered an oath for the purposes of any legal proceedings.
- c) Submission of a report of correction shall not be considered an admission by the facility that the violation has occurred.
- d) The Department shall review and approve or disapprove the report of correction based on the criteria outlined in Section 390.278(d) for review of plans of correction. If a report of correction is disapproved, the facility shall be subject to a plan of correction imposed by the Department as provided in Section 390.278.
- e) The Department shall verify the completion of the corrective action outlined in the report of correction during subsequent investigations, surveys and evaluations of the facility.

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

Section 390.282 Conditions for Assessment of Penalties

The Department shall consider the assessment of a monetary penalty against a facility under the following conditions:

- a) When a notice of violation for a level A violation is issued.
 - 1) The penalty to be assessed for this violation shall be the greater of the following:
 - A) An amount NOT LESS THAN \$5000 as determined by the Director or his designee considering the factors outlined in Section 390.286(a), or
 - B) The total of the following:
 - 1) \$5 PER RESIDENT IN THE FACILITY, PLUS
 - 11) \$.20 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY ON WHICH THE NOTICE OF VIOLATION

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.282(a)(1)(B)(ii) (continued)

IS RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(1) of the Act) ~~(111. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-305(1))~~

- 2) The facility shall also be issued a conditional license for a period of six months as provided in Section 390.260.
- b) When a facility fails to abate or eliminate a level A violation immediately or within the period set by the Department in the notice of violation pursuant to Section 390.276(a)(4)(A).
 - 1) The facility shall be cited for a repeat violation.
 - 2) The penalty to be assessed shall be three times the penalty computed under subsection (a)(1) of this Section.
 - 3) The license of the facility shall be revoked as provided in Section 390.180.
- c) When a notice of violation for a level B violation is issued.
 - 1) The penalty to be assessed for this violation shall be the greater of the following:
 - A) An amount NOT LESS THAN \$500 as determined by the Director or his designee considering the factors outlined in Section 390.286(a), or
 - B) The total of the following:
 - i) \$3 PER RESIDENT IN THE FACILITY, PLUS
 - ii) \$15 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY ON WHICH THE NOTICE OF VIOLATION IS RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(2) of the Act) ~~(111. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-305(2))~~

- 2) Upon acceptance of a plan of correction by the Department, assessment of the penalty shall be suspended by the Department. No additional penalty shall be imposed for days during which the plan of correction is in effect.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.282 (continued)

- d) When a facility fails to correct a level B violation within the time period specified in the plan of correction approved by the Department.
 - 1) The facility shall be cited for a repeat violation.
 - 2) The penalty to be assessed shall be computed in accordance with subsection (c)(1) of this Section. Days during which the plan of correction was in effect shall be included in the calculation of the penalty.
 - 3) The facility shall also be issued a conditional license for a period of at least six months as provided in Section 390.260.
 - e) When a facility fails to implement the corrective action required in the plans of correction for ten or more level C violations within the time period required in the plans of correction approved by the Department and fails to substantially address the issues raised by the violations routinely throughout the facility.
 - 1) The facility shall be cited for repeat violations.
 - 2) The penalty to be assessed shall be calculated as the total of the following:
 - A) \$150 PER RESIDENT IN THE FACILITY, PLUS
 - B) \$10 PER RESIDENT FOR EACH DAY OF THE REPEAT VIOLATIONS, COMMENCING ON THE DAY ON WHICH THE NOTICE OF THE REPEAT VIOLATIONS ARE RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-305(3))~~
- e) WHEN A NOTICE OF VIOLATION IS ISSUED FOR A VIOLATION OF ARTICLE II OF THE ACT ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4152-101 through par. 4152-212)~~ WITH REGARD TO THE RIGHTS OF A PARTICULAR RESIDENT OF THE FACILITY, THE DEPARTMENT SHALL ORDER THE FACILITY TO REIMBURSE THE RESIDENTS FOR ANY INJURIES INCURRED OR IF THE AMOUNT OF THE INJURIES IS LESS THAN \$100, THE DEPARTMENT SHALL ORDER THE FACILITY TO PAY \$100 TO THE RESIDENT. ~~(Section 3-305(7) of the Act) (111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-305(6))~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.284 Calculation of Penalties

- a) For the purpose of calculating penalties as provided in Section 390.282, EACH DAY ON WHICH A VIOLATION CONTINUES TO EXIST AFTER THE DAY ON WHICH NOTICE OF THE VIOLATION IS RECEIVED BY THE FACILITY SHALL BE CONSIDERED A SEPARATE VIOLATION. The Department shall not be required to send additional notices of violation to the facility for such continuing violations. (Section 3-302 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-302)~~
- b) For purposes of calculating penalties as provided in Section 390.282, THE NUMBER OF RESIDENTS IN THE FACILITY AND THE NUMBER OF RESIDENTS ON EACH DAY SHALL BE CALCULATED AS THE AVERAGE NUMBER OF RESIDENTS IN THE FACILITY DURING THE ~~THIRTY~~ 30 DAYS IMMEDIATELY PRECEDING THE DAY ON WHICH THE FINDINGS WERE MADE IN THE FACILITY AND THE CONDITIONS OR OCCURRENCES DETERMINED TO BE A VIOLATION WERE DISCOVERED. The number of residents in the facility on the day on which the findings were made in the facility will be considered to be the same as the average number of residents in the facility during the preceding ~~thirty~~ 30 days, unless evidence is provided by the facility substantiating that the average number of residents for that period was different. Changes in the number of residents in the facility subsequent to the day on which the findings were made shall not be considered in the calculation. (Section 3-305(5) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-305(6))~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.286 Determination to Assess Penalties

- a) The Director or his designee shall consider the following factors in determining whether or not to assess penalties for violations under the conditions outlined in Section 390.282.
- 1) THE SEVERITY OF HARM, INCLUDING DEATH OR SERIOUS PHYSICAL OR MENTAL HARM, WHICH HAS RESULTED TO A RESIDENT AND THE EXTENT TO WHICH RESIDENTS HAVE BEEN SUBJECT TO POTENTIAL SERIOUS HARM. A penalty will be assessed when the Director or his designee finds that death or serious physical or mental harm to a resident has occurred or that the facility has knowingly subjected residents to potential serious harm.
 - 2) THE GRAVITY OF THE VIOLATION AND THE EXTENT TO WHICH THE PROVISIONS OF THE ACT OR THIS PART ~~RULES~~ WERE VIOLATED. The Director or his designee will assess a monetary penalty if he finds that the violation recurred or continued, is widespread

Section 390.286(a)(2) (continued)

- throughout the facility or evidences flagrant violation or the Act or this Part ~~these rules~~.
- 3) THE EXTENT AND SERIOUSNESS OF ANY PREVIOUS VIOLATIONS COMMITTED BY THE FACILITY AND THE EXTENT OF DILIGENCE EXERCISED BY THE FACILITY TO CORRECT SUCH VIOLATIONS. The Director or his designee will assess a penalty when he finds that the facility has been cited for similar violations and has failed to correct such violations as promptly as practicable or has failed to exercise diligence in taking necessary corrective action. The Director or his designee will also consider any evidence that the violations constitute a pattern of deliberate action by the facility. The extent of any change in the ownership and management of the facility will be considered in relation to the seriousness of previous violations.
 - 4) ANY POSSIBLE FINANCIAL BENEFIT THE FACILITY COULD GAIN AS A RESULT OF COMMITTING OR CONTINUING THE VIOLATION. Such benefits include, but are not limited to, diversion of costs associated with physical plant repairs, staff salaries, consultant fees, or direct patient care services. (Section 3-306 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-306)~~
- b) If the Director or his designee determines that a penalty is to be assessed, a written notice of penalty assessment shall be sent to the facility ~~by registered mail~~. Each notice of penalty assessment shall include:
- 1) THE AMOUNT OF THE PENALTY being assessed as provided in Section 390.282.
 - 2) The amount of any reduction or whether the penalty has been waived pursuant to Section 390.288.
 - 3) A description of THE VIOLATION, including a reference to the notices of violation and plans of correction which are the basis of the assessment.
 - 4) A citation to the provision of THE ACT OR THE RULE which the facility has violated.
 - 5) A description of the right of the facility to appeal the assessment and of the RIGHT OF THE FACILITY TO A HEARING.
 - 6) For violations which are continuing at the time the notice of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.286(b)(6) (continued)

assessment, THE AMOUNT OF ADDITIONAL PENALTIES PER DAY WHICH will be assessed. (Section 3-307 of the Act) ~~—(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-307)—~~

- c) Penalties shall be paid by the facility to the Department within the time periods provided in Section 3-310 of the Act. ~~—(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-310)—~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.288 Reduction or Waiver of Penalties

- a) Reductions for all types of violations subject to penalties.

1) The Director or his designee shall consider the factors contained in Section 390.286(a) in determining whether to reduce the amount of the penalty to be assessed from the amount calculated pursuant to Section 390.284 and in determining the amount of such reduction.

2) When the Director or his designee finds that correction of a violation required capital improvements or repairs in the physical plant of the facility and the facility has a history of compliance with physical plant requirements, the penalty will be reduced by the amount of the cost of the improvements or repairs. This reduction, however, shall not reduce the penalty for a level A violation to an amount less than \$1000.

- b) Reductions and waivers for level B violations.

1) Penalties resulting from level B violations may be reduced or waived only under one of the following conditions:

A) THE FACILITY SUBMITS A REPORT OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, and the report is subsequently verified by the Department.

B) THE FACILITY SUBMITS A PLAN OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, the plan is approved by the Department, THE FACILITY SUBMITS A REPORT OF CORRECTION WITHIN ~~FIFTEEN~~ 15 DAYS after submission of the plan or correction, and the report is subsequently verified by the Department.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.288(b)(1) (continued)

C) THE FACILITY SUBMITS A PLAN OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, THE PLAN PROVIDES FOR CORRECTION WITHIN NOT MORE THAN ~~THIRTY~~ 30 DAYS after submission of the plan of correction, and THE PLAN IS APPROVED BY THE DEPARTMENT.

D) Correction of the violation requires substantial capital improvements or repairs in the physical plant of the facility, THE FACILITY SUBMITS A PLAN OR CORRECTION INVOLVING SUBSTANTIAL CAPITAL COSTS, THE PLAN OF CORRECTION PROVIDES COMPLETION OF THE CORRECTIVE ACTION WITHIN ~~NINETY~~ 90 DAYS after submission of the plan, and the plan is approved by the Department. (Section 3-308 of the Act) ~~—(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-308)—~~

- 2) Under these conditions, the Director or his designee shall consider the factors outlined in Section 390.286(a) in determining whether to reduce or waive the penalty and in setting the amount of any reduction.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.290 Quarterly List of Violators

- a) THE DEPARTMENT SHALL PREPARE ON A QUARTERLY BASIS A LIST CONTAINING THE NAMES AND ADDRESSES OF ALL FACILITIES AGAINST WHICH THE DEPARTMENT DURING THE PREVIOUS QUARTER HAS:

1) Issued a NOTICE OF PENALTY ASSESSMENT for a level A violation as provided in Section 390.286 of this Part and Section 3-305(1) of the Act. ~~—sent a notice under Section 3-307 regarding a penalty assessment under subsections (1), (2), (3), (4) or (5) of Section 3-305;—~~

2) Issued a NOTICE OF REVOCATION of the facility's license as provided in Section 390.180 of this Part and ~~sent a notice of license revocation under~~ Section 3-119 of the Act. ~~—~~

3) Issued a NOTICE REFUSING RENEWAL of the facility's license as provided in Section 390.175 of this Part and ~~sent a notice refusing renewal of a license under~~ Section 3-119 of the Act. ~~—~~

Section 390.290(a) (continued)

- 4) Issued a NOTICE TO SUSPEND the facility's license as provided in ~~sent a notice to suspend a license under~~ Section 3-119 of the Act. ~~---~~
- 5) ISSUED A CONDITIONAL LICENSE to the facility based on violations which were NOT CORRECTED as provided in Section 390.260 of this Part and Section 3-313 of the Act. ~~Issued a conditional license for violations and penalties described under Sections 3-301 and 3-303.~~
- 6) PLACED A MONITOR IN THE FACILITY as provided in Section 390.270 of this Part and Section 3-501 of the Act for one of the following reasons: ~~placed a monitor under subsections (a), (b) and (c) of Section 3-501 and under subsection (d) of such Section where license revocation or nonrenewal notices have also been issued;~~
 - A) The facility is operating without a license.
 - B) The Department has revoked or refused to renew the license of the facility.
 - C) The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure.
 - D) The Department determines that an emergency exists and HAS ISSUED A NOTICE OF REVOCATION OR NONRENEWAL against the facility's license.

7) INITIATED AN ACTION TO APPOINT A RECEIVER. ~~---~~

- 8) RECOMMENDED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC AID, OR THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DECERTIFICATION FOR VIOLATIONS IN RELATION TO PATIENT CARE OF A FACILITY PURSUANT TO TITLES XVIII AND XIX ~~442 U.S.C. Sections 1395 et seq. and 1396 et seq.~~ OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C. 1395 et seq. and 1396 et seq.). (Section 3-304(a) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-304(a))~~

- b) IN ADDITION TO THE NAME AND ADDRESS OF THE FACILITY, THE LIST SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON OR LICENSEE AGAINST WHOM THE ACTION HAS BEEN INITIATED, A SELF-EXPLANATORY SUMMARY OF THE

Section 390.290(b) (continued)

FACTS WHICH WARRANTED THE INITIATION OF EACH ACTION, THE TYPE OF ACTION INITIATED, THE DATE OF THE INITIATION OF THE ACTION, THE AMOUNT OF THE PENALTY SOUGHT TO BE ASSESSED, IF ANY, AND THE FINAL DISPOSITION OF THE ACTION, IF COMPLETED. (Section 3-304(b) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-304(b))~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.300 Alcoholism Treatment Programs in Long-Term Care Facilities

- a) A long-term care facility that desires to provide an alcoholism treatment program must first receive written approval from ~~both the Department division of health facilities surveillance and the division of health facilities standards.~~ Such approval will be granted only if it can be shown that such program will not interfere in any way with the residents in the other parts of the facility. ~~(C)~~
- b) Any alcoholism treatment program in a long-term care facility must meet the program standards of the rules for Alcoholism and Substance Abuse Treatment, Intervention and Research Programs ~~Alcoholism and Intoxication Treatment Programs~~ (77 Ill. Adm. Code 2058 ~~200~~), as promulgated by the Illinois Department of Alcoholism and Substance Abuse ~~Public Health~~ under the Illinois Alcoholism and Other Drug Dependency Act ~~Alcoholism Treatment Licensing Act~~ (Ill. Rev. Stat. 1987 ~~1979~~, ch. 111 1/2, par. 6351-101 ~~2301~~ et seq.) ~~(C)~~
- c) The alcoholism treatment program must be in a completely separate distinct part of the long-term care facility, and must include all beds in that distinct part. It must be completely separated from the rest of the facility, and have separate entrances. ~~(C)~~
- d) Beds designated for alcoholism treatment cannot be used for long-term care residents, nor can beds designated for long-term care residents be used for residents undergoing treatment for alcoholism. ~~(C)~~
- e) The alcoholism treatment program staff will not be utilized in performing services in the long-term care area of the facility, nor will long-term care program staff be utilized to provide any services in the alcoholism treatment designated area. ~~(C)~~
- f) There may be joint use of laundry, food service, housekeeping and administrative services, provided written approval is obtained from the Department ~~Division of Health Facilities Surveillance.~~ Such

Section 390.300(f) (continued)

approval will be granted only if it can be shown that such joint usage will not interfere in any way with the residents in other parts of the facility. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.310 Department May Survey Facilities Formerly Licensed

THE DEPARTMENT MAY SURVEY ANY FORMER FACILITY WHICH ONCE HELD A LICENSE TO INSURE ~~ENSURE~~ THAT THE FACILITY IS NOT ~~AGAIN~~ OPERATING WITHOUT A LICENSE. (Section 3-107 of the Act)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.320 Waivers

a) UPON APPLICATION BY A FACILITY, THE DIRECTOR MAY GRANT OR RENEW THE WAIVER OF THE FACILITY'S COMPLIANCE WITH A RULE OR STANDARD FOR A PERIOD NOT TO EXCEED THE DURATION OF THE CURRENT LICENSE OR, IN THE CASE OF AN APPLICATION FOR LICENSE RENEWAL, THE DURATION OF THE RENEWAL PERIOD. (Section 3-303.1 of the Act)

b) THE WAIVER MAY BE CONDITIONED UPON THE FACILITY TAKING ACTION PRESCRIBED BY THE DIRECTOR AS A MEASURE EQUIVALENT TO COMPLIANCE. (Section 3-303.1 of the Act)

c) IN DETERMINING WHETHER TO GRANT OR RENEW A WAIVER, THE DIRECTOR SHALL CONSIDER:

- 1) THE DURATION AND BASIS FOR ANY CURRENT WAIVER WITH RESPECT TO THE SAME RULE OR STANDARD;
- 2) THE CONTINUED VALIDITY OF EXTENDING THE WAIVER ON THE SAME BASIS;
- 3) THE EFFECT UPON THE HEALTH AND SAFETY OF RESIDENTS;
- 4) THE QUALITY OF RESIDENT CARE (~~the~~) whether the waiver would reduce the overall quality of the resident care below that required by the Act or ~~rules~~ ~~to~~ this Part);
- 5) THE FACILITY'S HISTORY OF COMPLIANCE WITH THE ~~RULES AND STANDARDS OF THIS~~ ACT AND THIS PART (~~there~~) the existence of a consistent pattern of violation of the Act or ~~rules of~~

Section 390.320(c)(5) (continued)

this Part); and

- 6) THE FACILITY'S ATTEMPTS TO COMPLY WITH THE PARTICULAR RULE OR STANDARD IN QUESTION. (Section 3-303.1 of the Act)
- d) THE DEPARTMENT SHALL RENEW WAIVERS RELATING TO PHYSICAL PLANT STANDARDS ISSUED PURSUANT TO THIS SECTION AT THE TIME OF THE INDICATED REVIEWS, UNLESS IT CAN SHOW WHY SUCH WAIVERS SHOULD NOT BE EXTENDED FOR THE FOLLOWING REASONS:

- 1) THE CONDITION OF THE PHYSICAL PLANT HAS DETERIORATED OR ITS USE SUBSTANTIALLY CHANGED SO THAT THE BASIS UPON WHICH THE WAIVER WAS ISSUED IS MATERIALLY DIFFERENT; OR
- 2) THE FACILITY IS RENOVATED OR SUBSTANTIALLY REMODELED IN SUCH A WAY AS TO PERMIT COMPLIANCE WITH THE APPLICABLE RULES AND STANDARDS WITHOUT SUBSTANTIAL INCREASE IN COST. (Section 3-303.1 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111-1/2, par. 4153-303.1)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.330 Definitions

~~a) Each definition is considered to be a separate rule, but they are not given individual numbers because they are listed alphabetically, and numbers would have to be changed each time a new definition was added or deleted.~~

~~b)~~

The terms defined in this Section ~~below~~ are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 4151-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.330 (continued)

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 3-104 of the Act)

Act ~~the~~ - as used in this Part ~~these standards~~, the "Nursing Home Care ~~Reform~~ Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988) ~~of 1979, as amended.~~"

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 390.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a level A or level B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.330 (continued)

the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training ~~and/or~~ or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial ~~etc.~~ aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Section 390.330 (continued)

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part ~~these regulations~~ means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term

Section 390.330 (continued)

Care Facilities for Persons Under ~~Twenty-Two~~ 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered by the Department of ~~Registration and Education~~ Professional Regulation to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's ~~life~~ life.

Contract - a binding agreement between a resident or the resident's ~~his~~ guardian (or, if the resident is a minor, the resident's ~~his~~ parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. ~~2202~~ 2301 et seq.).

Department - as used in this Part ~~these standards~~ means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age ~~eighteen~~ 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.330 (continued)

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;

is manifest before age ~~twenty-two~~ ~~(22)~~;

is likely to continue indefinitely;

results in substantial functional limitations in three

~~(3)~~ or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the persons's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides ~~ninety~~ ~~(90)~~ or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.330 (continued)

health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one ~~(1)~~ year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY. (Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.330 (continued)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part ~~these standards~~.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five ~~(5)~~ and ~~eighty (80)~~ ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part ~~these standards~~ is a facility of three ~~(3)~~ or more persons, or distinct part thereof, serving residents of which more than ~~fifty (50)~~ percent are developmentally disabled. Facilities with any number less than ~~fifty (50)~~ percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.330 (continued)

BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO ~~"THE COUNTY HOME ACT"~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. ~~53~~ 34, par. ~~61~~ 5361 et seq.), AS NOW OR HEREAFTER AMENDED, OR BY A COUNTY PURSUANT TO ~~"AN ACT IN RELATION TO HOMES FOR THE AGED"~~ ~~APPROVED JULY 21, 1959~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. 34, par. 3561 et seq.) as now or hereafter amended, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE ~~(3)~~ OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFORE, WHICH IS REQUIRED TO BE LICENSED UNDER THE ~~"HOSPITAL LICENSING ACT"~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREAFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE ~~"CHILD CARE ACT OF 1969"~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. 23, par. 2211 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under ~~Twenty-two (22)~~ Years of Age - when used in these standards is synonymous with a long-term care facility for residents under ~~twenty-two (22)~~ years of age, which facility provided total rehabilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical ~~and/or~~ or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance, and personal care ~~and/or~~ and oversight.

Section 390.330 (continued)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two ~~(2)~~ month period of time.

Full-time - means on duty a minimum of ~~thirty-six (36)~~ hours, four ~~(4)~~ days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE OR BOTH, OF A RESIDENT UNDER THE ~~"PROBATE ACT OF 1975"~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Section 390.330 (continued)

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the ~~"General Not For Profit Corporation Act"~~ ~~approved July 17, 1943,~~ as heretofore or hereafter amended (Ill. Rev. Stat. ~~1983~~ 1987, ch. 32, par. ~~163a~~ 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged" ~~approved July 21, 1959,~~ as heretofore or hereafter amended (Ill. Rev. Stat. ~~1983~~ 1987, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three ~~(3)~~ or more residents, ~~ninety~~ 90 percent of whom are ~~sixty (60)~~ or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty ~~forty (40)~~ hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part ~~these regulations~~ means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF/DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the ~~"Nursing Home Administrators Licensing and Disciplinary~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.330 (continued)

Act ~~111~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. ~~3601~~ 3651 et seq.), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's ~~his~~ life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, and wheeled platforms ~~and so forth~~.

Mobile Resident - any resident who is able to move about either

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.330 (continued)

independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, and wheeled platforms ~~and so forth~~.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Multidisciplinary - see Interdisciplinary Team.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN ~~THE ILLINOIS NURSING ACT OF 1987~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. ~~3401~~ 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care ~~and/or~~ or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of ~~Registration and Education~~ Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the

Section 390.330 (continued)

physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than ~~seventy-five (75)~~ beds, none of which are more than ~~one hundred twenty (120)~~ feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of ~~Registration and Education~~ Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of ~~Registration and Education~~ Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. 3701 et seq.).

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Section 390.330 (continued)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

~~Person in Need of Mental Treatment - any person who is mentally ill and who, because of illness, is reasonably expected to inflict serious physical harm upon himself or another in the near future or is unable to provide for his basic physical needs so as to guard himself from serious harm.~~

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. ~~4662~~ 4121 et seq.).

Physical Therapy Assistant - a person who has graduated from a two ~~(2)~~ year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of ~~Registration and Education~~ Professional Regulation as a physical therapist under the Illinois Physical Therapy License Act (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111 par. ~~4201~~ 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the ~~Medical Practice Act of 1987~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. ~~4401~~ 4400-1 et seq.).

Probationary License - an initial license issued for a period of ~~one hundred twenty (120)~~ days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Section 390.330 (continued)

Psychiatrist - a physician who has had at least three ~~(3)~~ years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by ~~registered with~~ the Illinois Department of ~~Registration and Education~~ Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications ~~is~~:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation for a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

~~an educator with a degree in education from an accredited program and with specialized training or one (1) year of experience in working with the mentally retarded.~~

~~a physical or occupational therapist who has specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a physician licensed by the State of Illinois to practice medicine or osteopathy and with specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a psychologist with at least a Master's Degree from an accredited program and with specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a registered nurse with a valid current Illinois registration to practice as a registered professional nurse who has~~

Section 390.330 (continued)

~~specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a speech pathologist or audiologist who has specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a registered social worker with a Bachelor's Degree in social work from an accredited program, or a Bachelor's Degree in a field other than social work and at least three (3) years' social work experience under the supervision of a qualified social worker, and with specialized training or with one (1) year of experience in working with the mentally retarded.~~

~~a therapeutic recreation specialist who is a graduate of an accredited program and eligible for Certification by the National Council for Therapeutic Recreation Certification, and who has specialized training or one (1) year experience working with the mentally retarded.~~

~~a rehabilitation counselor who is certified by the Commission on Rehabilitation Counselor Certification and who has specialized training or one (1) year of experience in treating the mentally retarded.~~

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified, etc., by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license ~~registration~~ from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.).

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.330 (continued)

supervise the facility, of a felony, or of two ~~(2)~~ or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint - any physical, mechanical, or chemical means, or the use thereof, that restricts movement of the limbs, head, or body of a resident, except when used as a safety device or as part of a medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical or emotional handicap.

Mechanical restraint is any mechanical device, or use thereof, that so restricts ~~restricts~~ movement.

Physical restraint is the use of personal human force that so restricts movement.

Chemical restraint is the use if any chemical that so restricts movement.

Mechanical supports used to achieve proper body position and balance are not restraints. The partial or total immobilization of a resident for the purpose of performing a medical/surgical procedure is not restraint.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.330 (continued)

Restriction - the placement of a limitation on a resident's rights, which includes the use of restraints, confinement, aversive stimuli, and time out exceeding ~~fifteen (15)~~ minutes at any one time.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric ~~and/or~~ or adaptive chairs, a wide band ~~(minimum width six (6) inches)~~, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which ~~the~~ ~~he~~ cannot open.

Self Preservation - the ability to follow directions ~~and/or~~ and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 6351 et seq., as amended by Public Act 85-1131, effective July 21, 1988) ~~by the State of Illinois (registered or certified by the Illinois Department of Registration and Education); and~~

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 390.330 (continued)

Section 390.330 (continued)

has one ~~(1)~~ year of social work experience in a health care setting.

involved. This definition is limited to the phrase as used in Sections 390.180(b)(1) and 390.260(f).

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sufficient - Same as adequate.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT ~~5%~~ OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part ~~these regulations~~ means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION: OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 390.280(q)(8), 390.280(k)(2) and 390.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part ~~regulations~~, the supervisor must be on the premises if the person does not meet assistant level (two ~~(2)~~ year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

~~TYPE C VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.330 (continued)

~~RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY WHICH
INDIRECTLY THREATENS THE HEALTH, SAFETY OR WELFARE OF A RESIDENT.~~

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five ~~(5)~~ nor more than ~~twenty (20)~~ beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

~~Utensil Sanitizer - an apparatus for sanitizing unwrapped bulky
type utensils by using boiling water and steam heat not under
pressure.~~

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.340 Incorporated and Referenced Materials

a) The following regulations, standards, and statutes are incorporated or referenced in this Part:

1) Private and professional association standards:

- A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1980), which may be obtained from the American Dietetic Association, 430 North Michigan Avenue, Chicago, Illinois 60611.
- B) American National Standards Institute, Standard A17.1-84: Safety Code for Elevators and Escalators (1985), which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.
- C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.340(a)(1)(C) (continued)

(1977), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning, United Engineering Center, 345 East 47th Street, New York, New York 10017.

D) The following standards of the American Society for Testing and Materials (ASTM):

- i) Standard No. E-84-1977A: Method of Test for Surface Burning Characteristics of Building Materials.
- ii) Standard No. E90-1975: Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions.

E) International Conference of Building Officials, Uniform Building Code (1976 and 1982).

F) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained from National Fire Protection Association, Battery Park, Quincy, Massachusetts 02269:

- i) No. 10 (1978): Standards for Portable Extinguishers
- ii) No. 13 (1980): Standards for the Installation of Sprinkler Systems
- iii) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems
- iv) No. 70 (1981): National Electric Code
- v) No. 90A (1978): Installation of Air Conditioning and Ventilating Systems
- vi) No. 96 (1980): Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment
- vii) No. 220 (1979): Standards Types of Building Construction
- viii) No. 253 (1978): Flooring Radiant Heat Energy Test

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.340(a)(1)(F) (continued)

- ix) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials
 - G) Compressed Gas Association, Pamphlet P-2.1: Standard for Medical-Surgical Vacuum Systems in Hospitals (1976).
 - H) Underwriters' Laboratory, Inc., Fire Resistance Index, Building Material Directory, and Standard No. 181 (1974): Factory Made Air Duct Materials and Air Duct Connectors.
 - I) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.
 - J) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.
 - K) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.
 - L) Council on Social Work Education, Requirements for an Approved School of Social Work (1983), which may be obtained from the Council on Social Work Education, 111 Eighth Avenue, New York, New York 10011.
- 2) Federal statutes and regulations:
- A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
 - B) Social Security Act (42 U.S.C. 301 et seq.)
 - ~~C) U.S. Public Health Service, Food Service Sanitation Manual (1985).~~
 - ~~D) U.S. Public Health Service, Isolation Techniques for Use in Hospitals (1985).~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.340(a) (continued)

3) State of Illinois Statutes:

- A) Illinois Alcoholism and Other Drug Dependency ~~Treatment Licensing~~ Act (Ill. Rev. Stat. 1987-1985, ch. 111 1/2, par. 6351-1 ~~2301~~ et seq.)
- B) Boiler and Pressure Vessel Safety Act (Ill. Rev. Stat. 1985-1987, ch. 111 1/2, par. 3201 et seq.)
- C) Child Care Act ~~Law~~ of 1969 (Ill. Rev. Stat. 1985-1987, ch. 23, par. 2211 et seq.)
- D) Civil Practice Act (Ill. Rev. Stat. 1985-1987, ch. 110, par. 2-101 et seq.)
- E) ~~AN ACT to create the~~ Court of Claims Act ~~to preserve its powers and duties, and to repeal an Act herein named~~ (Ill. Rev. Stat. 1985-1987, ch. 37, par. 439.1 et seq.)
- F) The Illinois Dental Practice Act (Ill. Rev. Stat. 1985-1987, ch. 111, par. 2301 et seq.)
- G) The Election Code (Ill. Rev. Stat. 1985-1987, ch. 46, par. 1-1 et seq.)
- H) Freedom of Information Act (Ill. Rev. Stat. 1985-1987, ch. 116, par. 201 et seq.)
- I) General Not For ~~for~~ Profit Corporation Act (Ill. Rev. Stat. 1985-1987, ch. 32, par. 163a-101.01 et seq.)
- J) ~~"AN ACT in relation to homes for the aged"~~ (Ill. Rev. Stat. 1985-1987, ch. 34, par. 3561 et seq.)
- K) Hospital Licensing Act (Ill. Rev. Stat. 1985-1987, ch. 111 1/2, par. 142 et seq.)
- L) Illinois Controlled Substances Act (Ill. Rev. Stat. 1985-1987, ch. 56 1/2, par. 1100 et seq.)
- M) Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1985-1987, ch. 111 1/2, par. 1151 et seq.)
- N) Article I, Division 3, Illinois Municipal Code (Ill. Rev.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.340(a)(3)(N) (continued)

- Stat. 1987 ~~1985, Article I, Division 3~~, ch. 24, par. 1-3-1 et seq. ~~through 1-3-5~~)
- O) Life Care Facilities Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 4160-1 et seq.)
- P) Local Governmental and Governmental Employees Tort Immunity Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 85, par. 1-101 et seq.)
- Q) Medical Practice Act of 1987 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. ~~4401~~ 4400-1 et seq.)
- R) Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. ~~1985~~ 1987, ch. 91 1/2, par. 1-100 et seq.)
- S) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. ~~3401~~ 3501 et seq.)
- T) Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. ~~3601~~ 3651 et seq.)
- U) Nursing Home Care ~~Reform~~ Act ~~of 1979~~ (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988)
- V) Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. ~~1985~~ 1987 ch. 111, par. 3701 et seq.)
- W) Pharmacy Practice Act of 1987 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. ~~4001~~ 4121 et seq.)
- X) Illinois Physical Therapy Act of 1985 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. 4251 et seq.)
- Y) Private Sewage Disposal Licensing Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 116.301 et seq.)
- Z) Probate Act of 1975 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 110 1/2, par. 1-1 et seq.)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.340(a)(3) (continued)

- AA) The Illinois Public Aid Code (Ill. Rev. Stat. ~~1985~~ 1987, ch. 23, par. 1-1 et seq.)
- BB) Safety Glazing Materials Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 3101 et seq.)
- CC) The School Code (Ill. Rev. Stat. ~~1985~~ 1987, ch. 122, par. 1-1 et seq.)
- 4) State of Illinois rules:
- A) Office of the State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)
- B) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety ~~Rules and Regulations~~ (41 Ill. Adm. Code 120)
- C) Capital Development Board, Illinois Accessibility Code ~~Standards Illustrated~~ (71 Ill. Adm. Code 400)
- ~~D) Department of Public Health, Alcoholism and Intoxication Treatment Programs (77 Ill. Adm. Code 200)~~
- ~~D) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)~~
- E) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
- F) Department of Public Health, Food Service Sanitation (77 Ill. Adm. Code 750)
- G) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)
- H) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- I) Department of Public Health, Drinking Water Systems (77 Ill. Adm. Code 900)
- J) Department of Public Health, Illinois Water Well Construction Code (77 Ill. Adm. Code 920)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.340(a)(4) (continued)

- K) Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
- ~~L) Department of Public Aid, Access to Cost Reports (89 Ill. Adm. Code 140.544)~~
- ~~L) Department of Professional Regulation Registration and Education, Controlled Substances Act (77 Ill. Adm. Code 3100.1650)~~
- M) Department of Alcoholism and Substance Abuse, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058)
- N) Department of Public Aid, Access to Cost Reports (89 Ill. Adm. Code 140.544)
- ~~O) Department of Transportation, Regulation of Construction within Flood Plains (92 Ill. Adm. Code 706)~~
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All citations to federal regulations in this Part concern the specified regulation in the 1986 Code of Federal Regulations, unless another date is specified.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

SUBPART B: ADMINISTRATION

Section 390.500 Administrator

- a) There shall be an full-time administrator licensed under the ~~"Illinois"~~ Nursing Home Administrators Licensing and Disciplinary Act ~~"(Ill. Rev. Stat. 1982-1983, ch. 111, par. 3601.3651 et seq.)"~~ for each licensed facility. The administrator shall be a high school graduate or equivalent and at least ~~eighteen (18)~~ years of age. The licensee will report any change in administrator to the Department, within five ~~(5)~~ days. (B-~~6~~)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.500 (continued)

- b) The administrator shall delegate in writing adequate authority to a person at least ~~eighteen (18)~~ years of age who is capable of acting in an emergency during his absence. Such administrative assignment shall not interfere with resident care and supervision. The administrator or the person designated by ~~him/her~~ the administrator to be in charge of the facility in ~~his/her~~ the administrator's absence, shall be deemed by the Department to be the agent of the licensee for the purposes of Section 3-212 of the ~~Nursing Home Care Reform~~ Act, which requires Department staff to provide the licensee with a copy of their report before leaving the facility. (B-~~6~~)
- c) The licensee and the administrator shall be familiar with this Part. They shall be responsible for seeing that the applicable regulations are met in the facility and that employees are familiar with those regulations according to the level of their responsibilities. (A, B-~~6~~)
- d) The administrator shall arrange for facility supervisory personnel to annually attend appropriate educational programs on supervision, nutrition, and other pertinent subjects. ~~(C)~~
- e) The administrator shall appoint in writing a member of the facility staff to coordinate the establishment of, and render assistance to, the residents' advisory council. ~~(C)~~
- f) If the facility has an assistant administrator, the Department shall be informed of the name and dates of employment and termination of this person. ~~This will provide documentation of service to qualify for a license under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1987, ch. 111, par. 3651 et seq.)~~ ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

SUBPART C: POLICIES

Section 390.610 Management Policies

- a) The facility's governing body shall exercise general direction of the facility and shall establish the broad policies for the facility related to its purpose, objectives, operation, and the welfare of the residents served. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.610 (continued)

- b) There shall be established a table of organization showing the major operating programs of the facility, with staff divisions, the administrative personnel in charge of programs and divisions, and their lines of authority, responsibilities and communication. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.620 Resident Care Policies

- a) The facility shall have written policies and procedures governing all services provided by the facility which shall be formulated with the involvement of the administrator. These written policies shall be formulated with the involvement of the medical advisory committee and representatives of nursing and other services in the facility. The policies shall be available to the staff, residents and the public. These written policies shall be followed in operating the facility and shall be reviewed at least annually. ~~(B)(6)~~

- b) These policies shall include:

- 1) A written statement of the philosophy, objectives and goals the facility is striving to achieve. ~~(C)~~
- 2) A written statement linking the facility's role to the "State Plan for the Developmentally Disabled" as filed with the Secretary of State by the Governor's Planning Council for Developmental Disabilities.
- 3) A written statement of the facility's goals for its residents. ~~(C)~~

- 4) A written statement of the facility's concept of its relationship to the parents of its residents or to the surrogates. ~~(C)~~

- 5) A written statement concerning admission, transfer, and discharge of residents including categories of residents accepted and not accepted, residents that will be transferred or discharged, and transfers within the facility from one room to another ~~etc.~~ ~~(C)~~

- 6) A written statement for resident care services including administrative services, physician services, emergency services, personal care and nursing services, dental services,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.620(b)(6) (continued)

(re)habilitative services, physical therapy, occupational therapy, psychology, social services, speech pathology and audiology, organized recreational activity services, work activity ~~and/or~~ and prevocational, dietary services, resident medical records, pharmaceutical services, diagnostic services (including laboratory and x-ray) and educational services. ~~(B)(6)~~

- c) The facility shall have a written agreement with one or more hospitals which indicates that the hospital or hospitals will provide the following services:

- 1) Emergency admissions. ~~(C)~~
- 2) Admission to a hospital of residents from the facility who are in need of hospital care. ~~(C)~~

- 3) Needed diagnostic services. ~~(C)~~

- 4) Any other hospital based services needed by the resident. ~~(C)~~

~~d) There shall be no post-mortems performed in the facility. (C)~~

- ~~e)~~ d) There shall be a policy prohibiting blood transfusions, unless the facility is hospital connected and appropriate services are available in case of an adverse reaction to the transfusions. ~~(B)(6)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.630 Admission and Discharge Policies

- a) Residents shall only be admitted who have had a comprehensive evaluation of their medical history, physical, and psycho/social factors, conducted by an appropriately constituted, interdisciplinary team. No resident determined by professional evaluation to be in need of services not readily available in a particular facility shall be admitted to, or kept in, that facility. Additionally, emotional and cognitive histories shall be evaluated when applicable and available. ~~(B)(6)~~

- b) A facility for persons under ~~twenty-two~~ ~~(22)~~ years of age shall be used exclusively for persons under ~~twenty-two~~ ~~(22)~~ years of age, except when the facility's interdisciplinary team has determined that either initial or continued placement in the facility is

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.630(b) (continued)

appropriate due to the resident's physical and mental functioning status, and that the facility has the service resources to meet the needs of the resident. The facility interdisciplinary team shall further determine that placement shall not constitute a serious danger to the other residents. ~~(C)~~

- c) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident himself or, if a minor, by the resident's parent, or guardian. ~~(C)~~
- d) If a resident insists on and is discharged against medical advice, the facts involved in the situation shall be fully documented in his clinical record. ~~(C)~~
- e) No resident shall be discharged without the concurrence of the attending physician. If such approval is given, the facility shall have the right to discharge or transfer a resident to an appropriate resource in accordance with Sections 3-401 through 3-423 of the Act. ~~(C)~~
- f) No resident shall be admitted with a communicable, contagious or infectious disease as set forth in Section 390.1020(c)(1) through (5) unless the facility is properly staffed and equipped to treat such conditions as approved in writing by the Department. ~~(C)~~
- g) A facility shall not admit more residents than the number authorized by the license issued to it. ~~(B, C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.640 Contract Between Resident and Facility

a) Contract Execution

- 1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

- A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.640(a)(1) (continued)

- B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE ~~"PROBATE ACT OF 1975"~~, AS NOW OR HEREFTER AMENDED; OR
 - C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY.
- 2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE ~~"PROBATE ACT OF 1975"~~, AS NOW OR HEREFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS.
 - 3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON", BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDE FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN ~~10~~ TEN DAYS OF THE DISPOSITION OF THE PETITION.

- 4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE ~~"MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE"~~, AS AMENDED, OR SECTION 11a-14.1 OF THE ~~"PROBATE ACT OF 1975"~~, AS AMENDED. (Section 2-202(a) of the Act)

- 5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of the person, within ten ~~(40)~~ days of the effective date of these rules, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten ~~(40)~~ days of the disposition of such petition.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.640 (continued)

- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)." ~~(G)~~
- c) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act) ~~(G)~~
- d) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act) ~~(G)~~
- e) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee. ~~(G)~~
- f) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section ~~above~~. If any person other than the principal signatory is to be held individually responsible for payments due under the contract that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor." ~~(G)~~
- g) The contract shall include a definition of "responsible party" or "guarantor" which describes in full the liability incurred by any such person. ~~(G)~~
- h) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act) ~~(G)~~
- i) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act) ~~(G)~~
- j) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act) ~~(G)~~
- k) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act) ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.640 (continued)

- l) Services Provided and Charges
 - 1) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(2) of the Act)
 - 2) A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee. ~~(G)~~
- m) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)
 - 1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established ~~above~~ in subsection (1) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed then such additional cost shall be specified in the contract. ~~(G)~~
 - 2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract. ~~(G)~~
- n) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENTS DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)
- o) Deposit Provisions
 - 1) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. (Section 2-202(g)(5) of the Act)

Section 390.640(o) (continued)

2) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions the deposit shall be returned to the resident. If the deposit is nonrefundable the contract shall provide express notice of such nonrefundability. ~~(G)~~

p) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF A RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 OF THE ACT. (Section 2-202(g)(6) of the Act) ~~(G)~~

q) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT. (Section 2-202(h) of the Act) ~~(G)~~

r) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN ~~(7)~~ DAYS NOTICE. IT SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH ~~THIRTY (30)~~ DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S ~~HIS~~ LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S ~~HIS~~ LIFE. (Section 2-202(i) of the Act) ~~(G)~~

s) After July 1, 1982, all facilities which offer to provide a resident with nursing services, medical services or personal care services, in

Section 390.640(s) (continued)

addition to maintenance services, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the "Life Care Facilities Act" (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111 1/2, par. 4160-1 et seq.) as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts. ~~(G)~~

t) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SIGNED OR RENEWED AFTER JULY 1, 1985, SHALL ALSO SPECIFY: ~~(G)~~

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;
- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;
- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4152-202(j))~~
- u) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4152-202(k))~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.650 Residents' Advisory Council

a) EACH FACILITY SHALL ESTABLISH A RESIDENTS' ADVISORY COUNCIL consisting of at least five ~~(5)~~ resident members. If there are not five residents capable of functioning on the residents' advisory council, as determined by the Interdisciplinary Team, residents'

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.650(a) (continued)

representatives shall take the place of the required number of residents. THE ADMINISTRATOR SHALL DESIGNATE ANOTHER ~~A~~ MEMBER OF THE FACILITY STAFF (other than ~~himself/herself~~ the administrator) TO COORDINATE THE ESTABLISHMENT OF, AND RENDER ASSISTANCE TO, THE COUNCIL. (Section 2-203 of the Act) ~~(G)~~

- b) Each facility shall develop and implement a plan for assuring a liaison with concerned individuals and groups in the local community. Ways in which this requirement can be met include, but are not limited to, the following:
 - 1) the inclusion of community members such as volunteers, family members, residents' friends, residents' advocates, or community representatives ~~etc.~~ on the resident advisory council;
 - 2) the establishment of a separate community advisory group with persons of the residents' choosing;
 - 3) finding a church or civic group to "adopt" the facility; or,
 - 4) the establishment of a family council made up of families and friends of residents who live in the community. ~~(G)~~
- c) The resident members shall be elected to the council by vote of their fellow residents found capable of voting. If a resident is not capable of voting, ~~the resident's~~ the resident's parent or guardian shall vote to elect members of the council. If there are not five ~~(5)~~ residents capable of or willing to serve on the council, then nonresident representatives shall be recruited to meet this requirement. ~~(G)~~
- d) In facilities of ~~fifty~~ ~~(50)~~ beds or less, the residents' advisory council may consist of all of the residents (or their parents or guardians) of the facility, if the residents (or their parents or guardians) choose to operate this way.
- e) All resident advisory councils shall elect at least a Chairperson or ~~a~~ President and a Vice Chairperson or ~~a~~ Vice President from among the members of the council. These persons shall preside at the meetings of the council, assisted by the facility staff person designated by the administrator to provide such assistance. ~~(G)~~
- f) Some facilities may wish to establish mini-resident advisory councils for various smaller units within the facility. If this is done, each

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.650(f) (continued)

- such unit shall be represented on an overall facility residents' advisory council with the composition described in subsection (a) of this Section ~~above~~.
- g) All residents' advisory council meetings shall be open to participation by all residents ~~and/or~~ and their representatives. ~~(G)~~
 - h) NO EMPLOYEE OR AFFILIATE OF ANY FACILITY SHALL BE A MEMBER OF ANY COUNCIL. Such persons may attend to discuss interests or functions of the non-members when invited by a majority of the officers of the residents' advisory council. (Section 2-203(a) of the Act) ~~(G)~~
 - i) THE COUNCIL SHALL MEET AT LEAST ONCE EACH MONTH WITH THE STAFF COORDINATOR WHO SHALL PROVIDE ASSISTANCE TO THE COUNCIL IN PREPARING AND DISSEMINATING A REPORT OF EACH MEETING TO ALL RESIDENTS, THE ADMINISTRATOR, AND THE STAFF. (Section 2-203(b) of the Act)
 - j) RECORDS OF THE COUNCIL MEETINGS SHALL BE MAINTAINED IN THE OFFICE OF THE ADMINISTRATOR. (Section 2-203(c) of the Act) ~~(G)~~
 - k) THE RESIDENTS' ADVISORY COUNCIL MAY COMMUNICATE TO THE ADMINISTRATOR THE OPINIONS AND CONCERNS OF THE RESIDENT. THE COUNCIL SHALL REVIEW PROCEDURES FOR IMPLEMENTING RESIDENT RIGHTS AND FACILITY RESPONSIBILITIES AND MAKE RECOMMENDATIONS FOR CHANGES OR ADDITIONS WHICH WILL STRENGTHEN ~~AND MAKE RECOMMENDATIONS FOR CHANGES OR ADDITIONS WHICH WILL STRENGTHEN~~ THE FACILITY'S POLICIES AND PROCEDURES AS THEY EFFECT RESIDENTS' RIGHTS AND FACILITY RESPONSIBILITIES. (Section 2-203(d) of the Act)
 - l) THE COUNCIL SHALL BE A FORUM FOR:
 - 1) OBTAINING AND DISSEMINATING INFORMATION;
 - 2) SOLICITING AND ADOPTING RECOMMENDATIONS FOR FACILITY PROGRAMMING AND IMPROVEMENTS;
 - 3) EARLY IDENTIFICATION OF PROBLEMS.
 - 4) RECOMMENDING ORDERLY RESOLUTION OF PROBLEMS. (Section 2-203(e) of the Act)
 - m) THE COUNCIL MAY PRESENT COMPLAINTS ON BEHALF OF A RESIDENT TO THE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.650(m) (continued)

DEPARTMENT, OR TO ANY OTHER PERSON IT CONSIDERS APPROPRIATE.
(Section 2-203(f) of the Act)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.660 General Policies

a) Financial Policies

- 1) The facility shall have policies and procedures, established in writing, that protect the financial interests of residents and, when large sums of money accrue to a resident, provide for counseling the resident or his correspondent concerning its use, and for appropriate protection of such money. These policies and procedures shall permit normalized and normalizing possession and use of money by residents for work payment and property administration as, for example, in performing cash and check transactions, and in buying clothes and other items. ~~(C)~~

- 2) The administrator, or the administrator's ~~his~~ designee, shall not pay a resident's bills or make purchases for the resident ~~him~~ unless requested in writing to do so by the resident, the resident's ~~his~~ correspondent or by the private or public agency financially responsible for the resident's ~~his~~ care. (See also Section 390.1640(c))

- b) The facility shall allow daily visiting between 10~~00~~ A.M. and 8~~00~~ P.M. ~~(C)~~
- c) Residents over the age of six ~~(6)~~ years occupying any bedroom shall be of the same sex unless otherwise individually approved by the interdisciplinary team. ~~(C)~~
- d) There shall be no resident traffic through a resident's room by residents to reach any other area of the building. ~~(C)~~
- e) The facility shall provide for the registration and disposition of complaints without threat of discharge or other reprisal against any employee or resident. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.670 Personnel Policies

- a) Each facility shall develop and maintain ~~these shall be~~ written personnel policies which ~~polices~~ are followed in the operation of the facility. ~~that shall include, but are not limited to, the following:~~ These policies shall include at a minimum each of the requirements of this Section. ~~(C)~~

b) Employee Records

- 1) Employment application forms shall be completed for each employee and kept on file in the facility. They shall be available to Department personnel for review.
- 2) Individual personnel files for each employee ~~these forms~~ shall contain date of employment, date of birth ~~age or~~ ~~birthdate~~, home address, educational background, past experience including types of employment, where previously employed, type of position employed to fill in this facility, last day employed (if no longer in present facility) and reasons for leaving. ~~(C)~~
- 3) ~~(2)~~ Individual ~~in addition to the application form, the~~ individual personnel files for each employee shall also contain ~~other pertinent personnel data such as~~ health records, including the initial health evaluation required under Section 390.675(a), the results of the tuberculin skin test required under Section 390.675(e), and any other pertinent health records.
- 4) Individual personnel records for each employee shall also contain records of evaluation of performance. ~~(C)~~
- 5) ~~(3)~~ Each employee shall have a physical examination which has been conducted within a period of ten (10) days before or after employment and annually thereafter. This shall include findings that permit certification that the employee is free of communicable, contagious or infectious diseases. Additional physical examinations may be requested at the discretion of the Department according to the rules for the "Control of Communicable Diseases" (77 Ill. Adm. Code 690), Illinois Department of Public Health. ~~(B, C)~~
- 6) ~~(4)~~ This initial physical exam shall include documentation regarding past or present tuberculosis infection, determined by either a tuberculosis skin test or a chest x-ray taken within one (1) year prior to or ten (10)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.670(a) (continued)

- ~~days after initial employment.~~
- ~~b) Repeat skin tests and/or chest x-rays are not required unless the employee is exposed to a person with tuberculosis in its contagious stage or has signs and symptoms of disease. However, they are highly recommended, especially for persons residing or working in high risk areas of the State.~~
- ~~c) It is also recommended that employees who have been infected with tuberculosis (positive skin reaction) and have not had a full course of chemoprophylaxis or chemotherapy should complete one (1) year of daily isoniazid (INH) unless contraindicated because of age or physical condition. Depending on their risk of developing disease, as determined by their physician, employees who have been infected and have not been able to complete a full course of preventive treatment should have a chest x-ray annually. (B, C)~~
- ~~4) An employee diagnosed or suspected of having a contagious or infectious disease shall not be on duty until such time as a written statement is obtained from a physician that the disease is no longer contagious or is found to be noninfectious. (B, C)~~

~~b) General~~

- ~~c) 1) All persons in supervisory or other responsible positions shall be at least eighteen (18) years of age. (C)~~
- ~~d) 2) All personnel shall have either training or experience, or both, in the job assigned to them. (B, C)~~

~~e) Orientation and In-Service Training~~

- ~~3) 1) All new employees, including student interns, shall complete an orientation program covering, at a minimum, the following: general facility and resident orientation; job orientation, emphasizing allowable duties of the new employee; resident safety, including fire and disaster, emergency care and basis resident safety; and, understanding and communicating with the type of residents being cared for in the facility, such as geriatric, pediatric, or developmentally disabled, etc. In addition, all new direct care staff, including student interns,~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.670(e)(1) (continued)

- shall complete an orientation program covering the facility's policies and procedures concerning topics listed in Section 390.620(b)(6) before being assigned to provide direct care to residents. This orientation program shall include material regarding the prevention and treatment of decubitus ulcers and the importance of nutrition in general health care.
- ~~4) All employees, Each employee except student interns, shall attend in-service training programs covering each of the subjects listed in 77 Ill. Adm. Code 350.620(b)(6) pertaining to his or her assigned duties at least annually. These in-service training programs shall include material regarding the facility's policies, skill training and ongoing education carried out to enable all personnel to perform their duties effectively. The in-service training sessions regarding personal care, nursing and restorative services shall include material concerning prevention and treatment of decubitus ulcers (commonly known as bed sores). In-service training concerning dietary services shall include material concerning effects of diet in treatment of various diseases or medical conditions and the importance of laboratory test results in determining therapeutic diets. Written records of program content for each session and of personnel attending each session shall be kept. (B, C)~~
- ~~f) 5) Employees shall only be assigned duties which are directly related to their job functions, as identified in their job descriptions. Exceptions may be made in emergencies. No employee shall be assigned duties other than those directly related to his job functions, as identified in his job description, except in emergencies. (C)~~
- ~~g) 6) Personnel policies shall include These shall be a plan to provide a program of personnel coverage for regular staff when they are absent. (A, B)~~
- ~~h) 7) Every facility shall have a current dated weekly employee time schedule posted in a convenient place where employees may refer to it. This schedule shall contain employee's name, job title, shift assignment, hours of work and days off. The schedule These shall be kept on file in the facility for one (1) year after the week for which the schedule was used. (C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.675 Initial Health Evaluation for Employees

- a) Each employee shall have an initial health evaluation which shall be used to insure that employees are not placed in positions which would pose undue risk of infection to themselves, other employees, residents, or visitors.
- b) The initial health evaluation shall be conducted not more than 30 days prior to the employee beginning employment in the facility. The evaluation shall be completed not more than 30 days after the employee begins employment in the facility.
- c) The initial health evaluation shall include a health inventory. This inventory shall be obtained from the employee and shall include the employee's immunization status and any available history of conditions which would predispose the employee to acquiring or transmitting infectious diseases. This inventory shall include any history of exposure to, or treatment for, tuberculosis. The inventory shall also include any history of hepatitis, dermatologic conditions, or chronic draining infections or open wounds.
- d) The initial health evaluation shall include a physical examination. The examination shall include at a minimum any procedures needed in order to:
- 1) Detect any unusual susceptibility to infection and any conditions which would increase the likelihood of the transmission of disease to residents, other employees, or visitors.
 - 2) Determine that the employee appears to be physically able to perform the job functions which the facility intends to assign to the employee.
- e) The initial health evaluation shall include a tuberculin skin test which is conducted in accordance with the requirements of Section 390.1035. The test must meet one of the following timeframes:
- 1) The test must be completed no more than 90 days prior to the date of initial employment in the facility, or
 - 2) The test must be commenced no more than ten days after the date of initial employment in the facility.

(Source: Added at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.690 Disaster Preparedness

- a) Each facility shall have policies covering disaster preparedness including a written plan for staff and residents to follow in case of fire, explosion, severe weather or other hazardous circumstances or emergencies. The plan shall be rehearsed at least twice a year for each shift. The plan shall include, but is not limited to, the following: (B-~~G~~)
- 1) All personnel employed on the premises shall be properly instructed in the use of fire extinguishers. (B-~~G~~)
 - 2) A written plan of evacuation posted, and made familiar to all personnel employed on the premises. ~~(G)~~
- b) Fire and disaster drills shall be held at least quarterly, for each shift of facility personnel and under varied conditions, in order to: ~~(G)~~
- 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - 2) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility;
 - 3) Evaluate the effectiveness of disaster plans and procedures;
 - 4) Fire and disaster drills shall include simulation of evacuation of residents to safe areas during at least one drill each year on each shift.
 - 5) There shall be special provisions for the evacuation of the physically handicapped, including deaf ~~and/or~~ and blind, such as fire chutes and mattress loops with poles.
 - 6) Where the welfare of the residents precludes an actual evacuation of an entire building, there must be drills involving the evacuation of successive portions of the building under such conditions as to assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
 - 7) There shall be a written evaluation submitted to the facility administrator which shall be maintained for three years.
- c) A written plan shall be developed for temporarily relocating the residents for any emergency requiring relocation and any time the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.690(c) (continued)

temperature in residents' bedrooms falls below ~~fifty-five (55)~~ degrees Fahrenheit for ~~twelve (12)~~ hours or more. ~~(G)~~

d) Reporting of Emergencies

- 1) Upon the occurrence of any emergency or disaster requiring hospital service, police, fire department or coroner, the facility administrator or their designee must provide a preliminary report to the Department utilizing either the nursing home hotline or by contacting directly the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:

- A) Name and location of facility;
- B) type of emergency;
- C) number of injuries or deaths to residents;
- D) number of beds not usable due to the event;
- E) estimate of the extent of damages to the facility;
- F) type of assistance needed, if any;
- G) other state or local agencies notified about the problem.

- 2) If the emergency will not require direct Departmental assistance, the facility shall provide the preliminary report within 24 hours of the incident. Additionally, the Department shall receive a full written account within seven ~~(7)~~ days of the incident which includes the information specified in subsections (d)(1)(A) through (d)(1)(G) of this Section ~~above~~ and a statement of action taken by the facility after the preliminary report. ~~(G)~~

- e) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents whenever the temperature and relative humidity inside the residents living, dining, activities or sleeping areas of the facility are equal to or exceed the upper or lower limit lines (the solid lines) of the chart, "Zones of Physiological Preception," displayed in Table F: "Disaster Preparedness Parameters -- Relative Humidity and Temperature." (A, B, ~~G~~)

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.700 Serious Incidents and Accidents

- a) The facility shall notify the Department of any incident or accident which has, or is likely to have, a significant effect on the health, safety, or welfare of a resident or residents. Incidents and accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department. ~~(G)~~

- 1) Notification shall be made by a phone call to the Regional Office within ~~twenty-four (24)~~ hours of each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number. ~~(G)~~

- 2) A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven ~~(7)~~ days of the occurrence. ~~(G)~~

- b) A descriptive summary of each incident or accident shall be recorded in the progress notes or nurse's notes for each resident involved. ~~(G)~~

- c) The facility shall maintain a file of all written reports of serious incidents or accidents involving residents. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

SUBPART D: PERSONNEL

Section 390.810 General

- a) Sufficient staff in numbers and qualifications shall be on duty all hours of each day to provide services that meet the total needs of the residents. (B)

- b) The number and categories of personnel to be provided shall be based on the following:

- 1) Number of residents.
- 2) Amount and kind of nursing care, program services, supervision, and personal care needed to meet the particular needs of the residents at all times.
- 3) Size, physical condition, and the layout of the building

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.810(b)(3) (continued)

including proximity of service areas to the resident's rooms.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.820 Categories of Personnel

Categories of personnel to be provided shall include but are not limited to the following:

- a) an administrator as set forth in Subpart B. (B)
- b) nursing personnel as set forth in Subpart E. (B-~~6~~)
- c) a Resident Services Director who is a Qualified Mental Retardation Professional as defined in Section 390.330, who is assigned responsibility for the coordination and monitoring of each resident's overall plan of care (Individual Habilitation Plan). This person shall have at least one ~~(1)~~ year experience working with developmentally disabled residents. The administrator or an individual on the professional staff of the facility may fill this assignment to assure that residents' plans of care (Individual Habilitation Plan) are individualized, written in terms of short and long range goals, understandable and utilized; their needs are met through appropriate staff interventions and community resources; and residents are involved, whenever possible, in the preparation of their plan of care (Individual Habilitation Plan). This person shall have at least one ~~(1)~~ year experience working with developmentally disabled residents. (B-~~6~~)

- d) recreational activity personnel as set forth in Section 390.1100(c)(1) (B-~~6~~)
- e) dietary personnel as set forth in Sections 390.1810 through Section 390.1820. (B-~~6~~)
- f) a staff member suited by training ~~and/or~~ and experience to be responsible for social services and for the integration of social services with other elements of the plan of care (Individual Habilitation Plan). (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.830 Consultation Services

- a) The facility shall have all arrangements for each consultant's services in a written agreement setting forth the services to be provided. These agreements shall be updated annually. ~~(C)~~
- b) The facility shall designate a staff member to provide social services to residents. If the staff member designated to provide social services is not a qualified social worker, the facility shall have an effective arrangement with a qualified social worker to provide social service consultation. ~~(C)~~
- c) A qualified social worker is one who meets the definition in Section 390.330. ~~(1)~~
 - ~~1) is licensed by the State of Illinois (registered or certified by the Illinois Department of Registration and Education; and~~
 - ~~2) is a graduate of a school of social work which has been approved by the Council on Social Work Education. (Some schools are approved for Bachelor's Degree programs and others for Master's Degree); and~~
 - ~~3) has one (1) year of social work experience in a health care setting.~~
- d) The facility shall designate a staff member to be the director of the activities program. If a facility does not have a Registered Occupational Therapist, or a Therapeutic Recreation Specialist, or a Certified Social Worker employed as an activity director, it shall have a written agreement made with a person from one of those disciplines, to provide adequate and sufficient consultation to the Activity Director in order to assure the appropriateness of programming to meet the assessed needs of the residents. ~~(C)~~
- e) The facility shall designate a staff member skilled in record maintenance and preservation to be responsible for maintaining and preserving records. If the designated person is not a qualified Medical Records Practitioner, then that person shall receive adequate consultation from a person so qualified.
- f) The facility shall make arrangements for a consultant pharmacist as set forth in Section 390.1410.
- g) The facility shall make arrangements for a medical advisory committee as set forth in Section 390.1020(b).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.830 (continued)

- h) The facility shall make arrangements for an advisory dentist as set forth in Section 390.1050(a).

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section 390.1010 Service Programs

- a) The facility shall provide, either directly or through arrangements with an outside resource, as needed by the individual resident, all services necessary to maintain and promote good physical health and development. These services shall consist of, at a minimum, the following: (B-~~7~~-~~6~~-)

- 1) Medical Services as described in Section 390.1020. (B-~~7~~-~~6~~-)
- 2) Physician Services as described ~~as~~ in Section 390.1030. (B-~~7~~-~~6~~-)
- 3) Nursing Services as described in Section 390.1040. (B-~~7~~-~~6~~-)
- 4) Dental Services as described in Section 390.1050. (B-~~7~~-~~6~~-)
- 5) Physical and Occupational Therapy Services as described in Section 390.1060. (B-~~7~~-~~6~~-)
- 6) Psychological Services as described in Section 390.1070. (B-~~7~~-~~6~~-)
- 7) Social Services as described in Section 390.1080. (B-~~7~~-~~6~~-)
- 8) Speech Pathology and Audiology Services as described in Section 390.1090. (B-~~7~~-~~6~~-)
- 9) Recreational and Activity Services as described in Section 390.1100. (B-~~7~~-~~6~~-)
- 10) Educational Services as described in Section 390.1110. (B-~~7~~-~~6~~-)
- 11) Work Activity and Prevocational Training Services as described in Section 390.1120. (B-~~7~~-~~6~~-)

- b) These services shall be expressed in a written Individual

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1010(b) (continued)

habilitation plan. The individual habilitation plan is a total program plan of care for each individual resident that is developed on the basis of all assessment results. ~~(6)~~

- c) Each resident shall have an individual habilitation plan developed within ~~fourteen (14)~~ days of admission. This plan shall be reviewed and updated approximately six ~~(6)~~ weeks following admission and every six ~~(6)~~ months thereafter or more frequently as necessary, to assure continuing appropriateness of goals, consistency of management methods with goals and objectives, and the achievement of progress towards goals.
- d) The individual habilitation plan shall be developed by an appropriately constituted interdisciplinary team and state specific objectives to reach identified goals.
- e) Each goal and objective shall:
 - 1) reflect the residents needs as identified by assessment data;
 - 2) be stated in terms of a single outcome;
 - 3) be expressed in terms that provide measurable indices of progress;
 - 4) be sequenced within a developmental progression, when applicable;
 - 5) be assigned priorities;
 - 6) project a date for initiation of service;
 - 7) have a targeted date of attainment;
 - 8) specify activities for achievement of the objectives;
 - 9) be written in terms that are understandable to all concerned;
 - 10) identify the individual responsible for delivering the services.
- f) The residents' response to programs designed to achieve the objectives shall be documented and available to staff.
- g) Problems ~~and/or~~ or changes that call for review of the individual habilitation plan by the interdisciplinary team shall be documented.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1020 Medical Services

a) General

- 1) The facility shall have a written program of medical services approved in writing by the medical advisory committee that reflects the philosophy of care provided, the policies relating to this, and the procedures for implementation of the services. The program shall include the entire complex of services provided by the facility and the arrangements to effect transfer to other facilities as promptly as needed. The written program of medical services shall be followed in the operation of the facility. (B-~~C~~)
- 2) There shall be a medical advisory committee composed of at least a physician, administrator and the director of nursing, which shall be responsible for advising the administrator and the licensee on the overall medical management of the residents and the staff in the facility. If the facility employs a house physician, he may be a member of this committee. The written program of medical services shall also include the structure and function of the medical advisory committee. (B-~~C~~)

b) Emergencies

- 1) The medical advisory committee shall develop policies and procedures to be followed during the various medical emergencies that may occur from time to time in long-term care facilities. These medical emergencies include, but are not limited to, such things as foreign body aspiration, poisoning, acute trauma (fractures, burns, and lacerations-~~etc.~~), cardiac arrest, acute coronary, acute cardiac failure, asthmatic ~~and/or~~ or allergic reactions, acute convulsion, shock, diabetic coma, insulin shock, and acute respiratory distress. (B-~~C~~)
- 2) The facility shall maintain in a suitable location the equipment necessary to be used during these emergencies. This equipment shall include, but is not limited to the following: a portable oxygen kit, including a face mask ~~and/or~~ or cannula; an airway; and tongue blades. (B-~~C~~)
- 3) There shall be at least one staff person on duty at all times who has been properly trained to handle the medical emergencies in this subsection (b). (B-~~C~~)

c) Communicable Disease Policies

Section 390.1020(c) (continued)

- 1) The administrator shall assume the responsibility for meeting ~~all~~ the Department's rules ~~for the~~ entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) ~~Illinois Department of Public Health~~, so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases. (B)
- 2) As part of this responsibility, the administrator shall establish an Infection Control Committee, composed of members of the medical and nursing staffs, administration, and the dietetic, pharmacy, housekeeping, maintenance and other services. The committee shall establish policies and procedures for investigating, controlling, and preventing infections in the facility, and for monitoring staff performance to ensure that the policies and procedures are executed. ~~(C)~~
- 3) No resident with a communicable, contagious, or infectious disease shall be admitted knowingly. An exception shall be a resident whose only such infectious condition is one or more chronic decubital ulcers, from which laboratory tests have proven the presence of a pathogenic organism. Such a resident may be admitted when the facility is capable of implementing appropriate treatment and isolation techniques, to avoid secondary spread of infection. Additional exceptions may be requested on an individual case basis. Permission to admit or keep a resident with any other communicable, contagious, or infectious disease shall require the written approval of the Department. Such approval will be dependent upon the nature of the infectious condition or disease and the capability of the facility to provide proper care to the resident and to adequately safeguard the staff and other residents of the facility from secondary spread of infection. Any resident when suspected or diagnosed as having any communicable, contagious, or infectious disease shall be placed in the appropriate type of isolation as required by the Department's rules entitled ~~for~~ "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) ~~Illinois Department of Public Health~~ and "Isolation Techniques for Use in Hospitals", U.S. Public Health Service, for the period of time required for each specific disease or until removed from the facility. (A, B-~~C~~)
- 4) All illnesses required to be reported under subsection (c)(1) of this Section ~~above~~, shall be reported immediately to the local health department ~~and/or~~ and to this Department. The administrator shall furnish all pertinent information relating

Section 390.1020(c)(4) (continued)

to such occurrences. (B-~~G~~)

- 5) Procedures and aseptic isolation techniques shall be established in writing and followed by all personnel. (B-~~G~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1030 Physician Services

a) General Requirements for Physician Services

- 1) The services of a physician licensed to practice medicine in Illinois shall be available to every resident in the facility. Residents in facilities operated under bona fide Christian Science auspices may be exempt from this requirement. (A, B)
- 2) Physician services are to include a complete physical examination at least annually and formal arrangements to provide for medical and behavior emergencies on a ~~twenty-four~~ ^{hour seven} ~~(24)~~ day week basis. (B)

- b) The resident shall be permitted his choice of a physician. If the resident is a minor or under guardianship, the appropriate person shall have this privilege.

- c) The resident shall be seen by a physician as often as necessary to assure adequate medical care. (Medicare/Medicaid requires certification visits.) (A, B-~~G~~)

- d) Physicians shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiating, monitoring, and following-up of individualized habilitation programs for treatment. ~~(G)~~

e) Physician Signature Requirements

- 1) All physician orders, plans of treatment, Medicare/Medicaid Certification and recertification statements and similar documents must have the original written signature of the physician. ~~(G)~~
- 2) The use of a physician's rubber stamp signature with or without initials is not acceptable. ~~(G)~~

Section 390.1030 (continued)

- f) Each resident admitted shall have a complete physical examination, including stool culture, within two ~~(2)~~ weeks prior to admission. There shall be another physical examination (which need not include a stool culture) conducted by the physician who will be attending the resident in the facility within ~~seventy-two~~ ^{two} ~~(72)~~ hours after admission to the facility unless the preadmission examination has been conducted by the same physician. In any case, the facility shall have the results of a stool culture before a resident is admitted. This examination shall include an evaluation of the resident's condition, including height and weight, and recommendations for ~~his/her~~ care of the resident including personal care needs and permission for participation in the activity and developmental program. This examination shall also include documentation of the presence or the absence of tuberculosis infection by tuberculin skin test in accordance with Section 390.1035. The report shall also include documentation of the presence or absence of incipient or manifest decubitus ulcers (commonly known as bed sores) with grade, size and location specified, and orders for treatment if present. (A photograph of incipient or manifest decubitus ulcers is recommended on admission.) The report shall also include orders from the physician regarding weighing of the resident, and the frequency of such weighing, if ordered. (See Section 390.1620(a)) (B-~~G~~)

- g) The admission information for a resident shall include summary of present medical findings, medical history, mental and physical functioning capacity, diagnosis and prognosis when available and; it shall also include orders for medications, treatments, restorative (re)habilitation services, diet, specific procedures recorded for the health and safety of the resident, activities and plans for continuing care and discharge. If this information is not received with the resident at the time of admission, it must be received within ~~forty-eight~~ ^{eight} ~~(48)~~ hours.

- h) All admissions to or continued care in the facility shall be upon the recommendation of a physician. ~~(G)~~

- i) The provisions of subsections (f), (g) and (h) of this Section ~~above~~ will not apply in the use of emergency admissions. In such a case, the physician shall meet the criteria in these standards within ~~seventy-two~~ ^{two} ~~(72)~~ hours.

j) Physician Notification

- 1) The facility shall immediately notify the physician of any

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.1030(j)(1) (continued)

significant accident, injury, or unusual change in a resident's ~~condition that~~ condition that threatens the health, safety or welfare of a resident, including, but not limited to, the presence of incipient or manifest decubitus ulcers or a weight loss or gain of five ~~(5)~~ percent or more within a period of ~~thirty (30)~~ days. (B, C)

2) The facility shall obtain and record the physician's plan of care for the care or treatment of such accident, injury or change in condition at the time of notification.

k) At the time of an accident, immediate first aid treatment shall be provided by personnel trained in medically approved first aid procedures. (B, C)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1035 Tuberculin Skin Test Procedures

Tuberculin skin test for employees and residents shall be conducted in accordance with the requirements in this Section.

a) Where there is documentation for an employee or resident of previous significant skin test reaction and previous treatment for tuberculosis, no skin test is required. The facility shall retain such documentation of testing and treatment in the employee's personnel record or the resident's medical record.

b) The tuberculin skin test shall consist of five tuberculin units of purified protein derivative administered intradermally using the Mantoux method.

c) A significant reaction shall be considered to exist when either of the following conditions exist:

- 1) There is an area of induration of ten mm or more in diameter.
- 2) There is an area of induration of five mm or more in diameter and the attending physician or local health authority suspect tuberculosis on the basis of disease or exposure.

d) If the first test is nonsignificant, a second test shall be given at least one week, but no more than three weeks, after the first test.

Section 390.1035 (continued)

e) If the first or second test reaction is significant, or if active tuberculosis is suspected at any time, the attending physician or local health authority shall order any further examinations and treatment which is considered necessary, such as x-rays, cultures, or sputum smears.

(Source: Added at 13 Ill Reg. 6301, effective April 17, 1989)

Section 390.1040 Nursing Services

a) The facility shall have a written program of Nursing Services, providing for a planned medical program, encompassing nursing treatments, rehabilitation and habilitation nursing, skilled observations, and ongoing evaluation and coordination of the resident's individual habilitation plan.

b) There shall be a sufficient number of nursing ~~and/or~~ and auxiliary personnel on duty ~~twenty-four (24)~~ hours each day to provide adequate and properly supervised nursing services to meet the nursing needs of the residents. There shall be at least one ~~(1)~~ registered nurse seven ~~(7)~~ days a week on the day shift. There shall be at least one ~~(1)~~ registered nurse or licensed practical nurse on duty at all times and on each floor housing residents. Nursing staff personnel shall include registered professional nurses, licensed practical nurses, and auxiliary personnel as defined in Section 390.330 of this Part. (A, B)

c) Director of Nursing Service. There shall be a director of nursing who shall be a registered nurse. (B)

d) The director of nursing shall have knowledge and training in nursing service administration, restorative ~~and/or~~ and habilitative nursing. (B, C)

e) The director of nursing shall be a full-time employee who is on duty a minimum of ~~thirty-six (36)~~ hours, four ~~(4)~~ days per week. At least 50 ~~(50)~~ percent ~~(50%)~~ of this person's hours shall be regularly scheduled ~~some time~~ between 7:00 A.M. and 7:00 P.M. (B, C)

1) A facility of less than ~~fifty (50)~~ bed capacity may, with written approval from the Department, have two registered nurses share the duties of this position if it is unable to obtain a full-time person. Such an arrangement will be granted approval

Section 390.1040(e)(1) (continued)

only through written documentation that the facility was unable to obtain the full-time services of a qualified individual to fill this position. Such documentation shall include, but not be limited to: an advertisement that has appeared in a newspaper of general circulation in the area for at least three ~~(3)~~ weeks; the names, addresses and phone numbers of all persons who applied for the position and the reasons why they were not acceptable or would not work full-time; and information about the number and availability of registered nurses in the area. The Department will grant approval only when such documentation indicates that there were no qualified applicants who were willing to accept the job on a full-time basis, and the pool of registered nurses available in the area cannot be expected to produce, in the near future, a qualified person who is willing to work full-time. If two persons are to share the position, one shall be designated the Director of Nursing Services and the other shall be designated the Assistant Director of Nursing Services. Both of these persons shall be R.N.'s.

2) In facilities with a capacity of less than ~~fifty~~ ~~(50)~~ beds, this person (or these persons), may also provide direct patient care, and ~~either~~ this person's time may be included in meeting the staff/resident ratio requirements.

f) In facilities of ~~one hundred~~ ~~(100)~~ occupied beds or more, there shall be an assistant director of nursing who is a registered nurse licensed to practice in Illinois. The assistant must meet the qualifications specified in subsection (d) of this Section ~~above~~. (B)

g) The assistant director of nursing shall be a full-time employee who is on duty a minimum of ~~thirty-six~~ ~~(36)~~ hours, four ~~(4)~~ days per week. The assistant need not work on the day shift but may be assigned to any shift. (B)

h) The assistant director of nursing shall assist the director in carrying out her responsibilities. (B)

1) The responsibilities of the director of nursing shall include, at a minimum, the following: (B)

1) Assigning and directing the activities of nursing and auxiliary service personnel.

2) Planning an up-to-date resident care plan for each resident in

Section 390.1040(i)(2) (continued)

cooperation with the interdisciplinary team based on individual needs and goals to be accomplished, physician's orders, and personal care and nursing needs. Services such as nursing, developmental, activities, dietary, and such other modalities as are ordered by the physician, shall be reflected in the preparation of the resident care plan. The plan shall be in writing and shall be reviewed and modified in keeping with the care needed as indicated by the resident's condition. The plan shall be reviewed every three ~~(3)~~ months.

3) Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.

4) Participating in planning and budgeting for nursing services including purchasing of necessary equipment and supplies.

5) Developing ~~and~~ and maintaining nursing service objectives, standards of nursing practice, written policies and procedures, and written job descriptions for each level of nursing and auxiliary personnel.

6) Coordinating health services and nursing services with other resident care services such as medical, pharmaceutical, dietary activities, and any other restorative and rehabilitative services offered.

7) Planning of inservice education, embracing orientation, skill training, and ongoing education for all nursing personnel covering all aspects of resident care and programming. The educational program shall include training and practice in activities and restorative and rehabilitative nursing techniques through out-of-facility or in-facility training programs. The director of nursing may conduct these programs personally or see to it that they are carried out.

8) Participating in the development and implementation of resident care policies and bringing resident care problems, requiring changes in policy, to the attention of the facility's policy development group. (See Section 390.610(a))

9) Participating in the screening of prospective residents and their placement in terms of services they need and nursing competencies available.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1040 (continued)

- j) Nursing, Personal, Habilitative and Rehabilitative ~~Rehabilitative~~ Care. Nursing care (including personal, habilitative and rehabilitative ~~rehabilitative~~ care measures) shall be practiced on a ~~twenty-four~~ ~~(24)~~ hour, seven ~~(7)~~ day a week basis in the care of residents. Those procedures requiring medical approval shall be ordered by the attending physician. (B, ~~G~~)
- k) Nursing care shall include at a minimum the following:
- 1) All medications including oral, rectal, hypodermic, and intra-muscular shall be properly administered. (A, B)
 - 2) All treatment such as: enemas, irrigations, catheterizations, applications of dressing or bandages, supervision of special diets, restorative and rehabilitative measures in Section 390.1620(a)(11) and other treatments involving a like level of skill, shall be properly administered. (A, B, ~~G~~)
 - 3) All objective observations of changes in a resident's condition, including mental and emotional changes, as a means for analyzing and determining care required ~~and/or~~ and the need for further medical, nursing or psychosocial evaluation and treatment shall be provided. (B, ~~G~~)
- l) Each resident shall have his temperature taken daily unless otherwise ordered by the physician. If the temperature varies two degrees from the normal for the resident, the physician shall be notified. (B)
- m) Skin care shall be given to prevent pressure sores, heat rashes or other skin breakdown. Each resident with pressure sores, heat rashes or other skin breakdown shall be checked at least every two ~~(2)~~ hours and given care as needed including clothing and diaper change. Skin care shall be given with each diaper change. (B)
- n) Skin care should be provided as follows: (B)

- 1) Bathing, clean linens, diapers, ~~and/or~~ and clothing each time the bed or clothing is soiled. Rubber, plastic, or other types of linen protectors (newspapers not acceptable) shall be properly cleaned and completely covered to prevent direct contact with the resident. If rubber, plastic, or other type of waterproof materials are used for protective pants, they shall not come in direct contact with the resident. Special attention shall be given to the skin to prevent irritations, skin rashes,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1040(n)(1) (continued)

or ulcerations. (B, ~~G~~)

- 2) Assistance in being up and out of bed as much as the condition of the resident permits. The resident may be denied this assistance only upon the written order of his physician. If the resident cannot move himself, he shall have his position changed every two ~~(2)~~ hours or more as necessary.
- o) All necessary precautions shall be taken to assure the safety of residents at all times, such as: nonslip wax on floors, side rails on beds, safe equipment and assistive devices properly maintained, and proper use of safety devices. See Section 390.2020(a)(2) (A, B, ~~G~~)
- p) Each resident shall perform all of the following personal care functions independently if possible. If unable to do so, assistance shall be provided by staff. (B)
 - 1) Each resident shall bathe as often as necessary, but at least daily.
 - 2) Each resident shall change clothing as often as necessary, but at least daily.
 - 3) Each resident shall shampoo as often as necessary, but at least weekly.
 - 4) Each resident shall clean and trim fingernails and toenails as often as necessary but at least weekly.
 - 5) Each resident shall perform oral hygiene as often as necessary, but at least daily.
 - 6) Each female resident shall be provided with commercial sanitary napkins during menses. Frequent cleansing of the perineal area shall be performed.
- q) Haircuts shall be provided as needed. Socially acceptable hair styles and the wishes of the resident must be taken into consideration. (B)
- r) Each resident shall dress in street clothing and be out of bed at all times other than regularly scheduled sleeping or napping hours, unless contraindicated. (B)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1040 (continued)

- s) Adaptive equipment shall be provided to ensure the safety of the resident (such as seat belts, helmets, mitts, and special padding). (B)
- t) Each resident shall be weighed upon admission and at least once a week thereafter unless otherwise ordered in writing by the physician. Any significant change shall be reported to the attending physician and dietitian. (B)
- u) Each resident shall be encouraged ~~and/or~~ and, if necessary, assisted in maintaining good body alignment while lying in bed, sitting or standing, through proper positioning and turning. (B-~~G~~)
- v) Each resident shall be assisted in maintaining maximum joint range of motion, ~~and/or~~ and active range of motion through proper exercises. (B-~~G~~)
- w) Each resident shall be trained and encouraged to adopt food habits as near as possible to normal. Residents shall receive solids, unless otherwise ordered in writing by the physician. Each resident shall eat in an as upright position as possible and out of bed unless contraindicated. (B)
- x) Each incontinent resident shall be assisted in regaining bowel and bladder patterns through proper bowel and bladder training or retraining ~~and/or~~. The use of indwelling catheters shall be discouraged. (B-~~G~~)
- y) All residents shall be encouraged and, when necessary, taught to function at their maximum level in all activities of daily living for as long as and to the degree that they are able. (B)
- z) All residents shall be assisted and encouraged with daily ambulation unless otherwise ordered by the physician. (B-~~G~~)
- aa) All residents shall be taught and assisted with safe transfer activities in an effort to help them retain, regain, or gain their maximum level of independence. (B-~~G~~)
- bb) Staffing. Staffing shall be based on the needs of the residents, and shall be determined by figuring the number of hours of personal and rehabilitative time each resident needs on each shift of the day. This determination shall be made separately for both licensed nursing personnel and other personal and ~~and~~ rehabilitative care personnel. Personal and rehabilitative ~~and~~ personnel may include, in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1040(bb) (continued)

- addition to licensed nurses, such persons as aides, orderlies, therapists, teachers, and any other person providing direct rehabilitative care to residents. (A, B)
- 1) In a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school or sheltered workshops, the minimum hours of care that must be provided are reduced proportionately.
- 2) It is the responsibility of each facility to determine the staffing needed to meet the needs of its residents. It is the responsibility of the Department to verify that the staffing provided by the facility is sufficient to meet the needs of the residents.
- 3) The following figures apply to hours of care actually provided and not to hours of care scheduled to be provided.
- 4) Each resident shall be provided with a minimum of four ~~(4)~~ hours of personal and ~~and~~ rehabilitative care each day. The director of nursing shall not be included in hours of personal and ~~and~~ rehabilitative care provided.
- 5) The facility shall schedule personnel in such a manner that the needs of all residents are met. At least 30 percent ~~of the~~ minimum required hours shall be on the day shift, at least 30 percent ~~of the~~ minimum required hours shall be on the evening shift, and at least ten percent ~~of the~~ minimum required hours shall be on the night shift. The total percentage must add up to 100 percent ~~each day~~. At least 12.5 percent ~~of the~~ hours of care provided on each shift must be by licensed nursing personnel. Licensed nursing personnel may be used to replace other personal and rehabilitative ~~rehabilitative~~ care staff if the needs of the residents are met by such staffing.
- 6) Staffing Calculations
- A) When computing the number of staff hours needed per shift, any figure less than .25 will be dropped from the computation and any figure of .75 or higher will go to the next higher number. Figures in between .25 and .75 will require at least the amount of coverage indicated: ~~the~~ .25 will require two ~~2~~ hours of coverage; .3 will require ~~2 1/2~~ two and one half hours of coverage; .5 will require ~~4~~ four hours of coverage; .6 will require

Section 390.1040(bb)(6)(A) (continued)

~~5~~ five hours of coverage; .74 will require ~~6~~ six hours of coverage; ~~4.6~~ .75 or higher will require ~~8~~ eight hours of coverage.

B) These hours may be provided by: a part-time person working those hours only on that shift each day; a full-time person working a shift that spans two regular shifts (such as from 12 noon to 8 P.M.); or by an additional full-time person on the shift. However, ~~keep in mind~~ that these figures are minimal staffing requirements, and it is recommended that a full-time person be provided.

cc) Additional requirements. In addition to the ~~above~~ other requirements of this Section, the following also apply:

1) There shall be a licensed nurse designated as being in charge of nursing services on all shifts when neither the director of nursing or assistant director of nursing are on duty. If registered nurses and licensed practical nurses are on duty on the same shift, this person shall be a registered nurse. This person may be a charge nurse on one of the nursing units. The director of nursing or assistant director of nursing will, of course, be in charge of nursing services during those shifts when they are on duty. (A, B)

2) There shall be at least one person awake, dressed and on duty at all times in each separate nursing unit. (A, B)

3) There shall be at least one registered nurse on duty seven ~~(7)~~ days per week on the day shift. (A, B)

4) There shall be at least one registered nurse or licensed practical nurse on duty at all times. (A, B)

5) There shall be at least one registered nurse or licensed practical nurse on duty on each floor housing residents. (A, B)

6) The need for licensed nurses on each nursing unit will be determined on an individual case basis, dependent upon the individual situation. If such additional staffing is required, the surveyor will inform the facility in writing of the kind and amount of additional staff time required, and the reason why it is needed.

7) The need for an additional licensed nurse to serve as a "house

Section 390.1040(cc)(7) (continued)

"supervisor" will be determined on an individual case basis. If the surveyor determines that there is a need for a registered nurse on certain shifts whose sole duties will consist of supervising the nursing services of the facility, the surveyor shall notify the facility in writing when and why such a person is needed. This person shall not perform the duties of a charge nurse while serving as the "house supervisor".

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1050 Dental Care Services

a) Every facility shall have an advisory dentist. The advisory dentist shall have a contractual relationship to the facility, setting forth the preventive and therapeutic oral health services to be provided to residents. (B-G-)

b) There shall be education and training in the maintenance of oral health which includes a dental hygiene program that includes imparting information regarding nutrition and diet control measures to residents and staff; instruction of residents and staff in living in proper oral hygiene methods; and instruction of parents or surrogates in the maintenance of proper oral hygiene, where appropriate (as in the case of residents leaving the facility). (B-5)

c) There shall be comprehensive diagnostic services for all residents (diagnostic for residents from birth to two ~~(2)~~ years of age only if medically indicated) which include a complete extra and intra oral examination utilizing all diagnostic aides necessary to properly evaluate the resident's oral condition, within a period of one ~~(1)~~ month following admission unless examined within six ~~(6)~~ months before admission and results received by the facility with the results of said examination entered in the resident's dental record as a separate part of the resident's permanent medical chart. (B-~~6~~)

d) There shall be comprehensive treatment services for all residents which include, but are not limited to, the following: (B-6-)

- 1) Provision for dental treatment
- 2) Provision for emergency treatment on a ~~twenty-four~~ (24) hour, seven ~~days~~ (7) days a week basis, by a qualified dentist.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1050(d) (continued)

- 3) A recall system that will assure that each resident is reexamined at specified intervals in accordance with their needs, but at least annually. Needed dental treatment shall be provided.
- e) The direct care staff shall receive in-service education annually. This will be provided by the dentist or he may utilize a dental hygienist. (B-~~6~~)
 - 1) Direct care staff shall be educated in ultrasonic ~~and/or~~ and manual denture and partial denture cleaning techniques.
 - 2) Direct care staff shall be educated in proper brushing and oral health care for residents who are unable to care for their own health.
 - 3) Direct care staff shall be educated in examining the mouth in order to recognize abnormal conditions for necessary referral.
 - 4) Direct care staff shall be educated regarding nutrition and diet control measures and the effect on dental health.
 - 5) Supplemental dental training films shall be included with any other health training films seen on a rotating basis.
- f) The facility's dental program shall provide for proper daily personal dental hygiene care which includes, but is not limited to, the following: (B-~~6~~)
 - 1) Assistance in cleaning mouth with electric or hand brush if resident is unable to do so.
 - 2) Proper cleaning of dentures ~~and/or~~ and partials.
- g) The dental program shall provide for inservice education to residents and staff under direction of dental staff including, but not limited to, the following: (B-~~6~~)
 - 1) Information regarding nutrition and diet control measures which are dental health oriented.
 - 2) Instruction in proper oral hygiene methods.
 - 3) Instruction concerning the importance of maintenance of proper oral hygiene and where appropriate including family members or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1050(g)(3) (continued)

surrogates (as in the case of residents leaving the long-term care facility).

- h) Each facility shall have a denture and dental prosthesis marking system which takes into account the identification marking system contained in Section 49 of the Illinois Dental Practice Act (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111, par. 2349). ~~2302 "Manufacture of dentures and dental prostheses identification marks."~~ Policies and Procedures shall be written and contained in the facility's ~~facilities~~ Policies and Procedure Manual. It shall include, at a minimum, provisions for: (B-~~6~~)
 - 1) Marking individual dentures or dental prosthesis, if not marked prior to admission to the facility, within ten ~~(10)~~ days of admittance; and
 - 2) individually marked denture cups for denture storage at night.
- (Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)
- Section 390.1060 Physical and Occupational Therapy Services
- a) The facility shall provide physical therapy and occupational therapy directly or by arrangements with an outside resource for those residents who need such services. The treatment training programs should be designed to preserve and improve abilities for independent function, such as range of motion, strength, tolerance, coordination, and activities of daily living; and to prevent, insofar as possible, irreducible or progressive disabilities, through means such as the use of orthotic and prosthetic appliances, assistive and adaptive devices, positioning, behavior adaptation, and sensory stimulation. (B)
 - b) Each resident shall be evaluated within 30 days ~~one (1) month~~ of admission regarding the need for such services and the results of such evaluation shall be entered in the medical record.
 - c) The therapist shall function closely with the resident's primary physician and with other medical specialists and treatment training progress shall be recorded regularly, evaluated periodically, and used as the basis for continuation or change of the resident's program.
 - d) Physical and occupational therapy services shall be provided as

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1060(d) (continued)

needed by the residents through personal contact of the therapists directly with the residents and indirectly with persons involved with the residents' treatment programs. (B)

- e) Evaluation results, treatment objectives, plans, procedures, and continuing observations of treatment progress shall be recorded accurately, summarized, communicated, and included in the resident's record.
- f) Physical therapists and occupational therapists shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents for the purpose of initiation, monitoring, and follow-up of habilitation programs.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1070 Psychological Services

- a) The facility shall provide psychological services either directly or indirectly by arrangements with an outside resource. These services should be provided to the residents as needed both directly through personal contact with the psychologist and indirectly through the psychologist's consultation with other persons involved in the resident's treatment program. (B—~~6~~)
- b) Each resident shall be evaluated within ~~thirty~~ 30 days of admission regarding the need for such services and results of such evaluation shall be entered in the medical record.
- c) Psychologists shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents for the purpose of initiation, monitoring, and follow-up of individual habilitation programs. ~~(G)~~
- d) The psychologist shall report and disseminate the evaluation results in such a manner that the information, useful to the staff working with the resident, will be promptly provided and that accepted standards of confidentiality will be maintained. ~~(G)~~
- e) The facility shall employ sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the various psychological service activities in accordance with the needs of the following functions:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1070(e) (continued)

- 1) Psychological services to residents including evaluation, consultation, therapy, and program development. ~~(G)~~
- 2) Administration and supervision of psychological services. ~~(G)~~
- 3) Staff training. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1080 Social Services

- a) The facility shall provide Social services, needed by the resident. These services shall be provided to the residents by or with consultation of a qualified social worker through the use of social work methods directed toward: (B—~~6~~)
 - 1) Maximizing the social functioning of each resident. ~~(G)~~
 - 2) Enhancing the coping capacity of the resident or his family. ~~(G)~~
 - 3) Asserting and safeguarding the human and civil rights of the residents and their families, and fostering the human dignity and personal worth of each resident. ~~(G)~~
- b) The resident and his family shall be helped by social workers during the evaluation process, which may or may not lead to admission, to consider alternative services, based on the resident's status and salient family and community factors, and to make a responsible choice as to whether and when residential placement is indicated. ~~(G)~~
- c) Each resident shall be evaluated within ~~thirty~~ 30 days of admission regarding the need for such services and the results of such evaluation shall be entered in the medical record.
- d) Social workers shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents for the purposes of initiation, monitoring, and follow-up of individualized habilitation programs. ~~(G)~~
- e) As appropriate during the developmentally disabled person's admission to and while receiving services in the facility, the social worker shall provide liaison between him, the facility, the family, and the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1080(e) (continued)

community, so as to help the staff to: ~~(C)~~

- 1) Individualize and understand the needs of the resident and his family in relation to each other. ~~(C)~~
- 2) Understand social factors, including staff-resident relationships, in the resident's day-to-day behavior. ~~(C)~~
- 3) Prepare the resident for changes in his living situation. ~~(C)~~
- f) Social workers shall help the family to develop constructive and personally meaningful ways to support the resident's experience in the facility through: ~~(C)~~

1) Collateral counseling concerned with problems associated with changes in family structure and functioning. ~~(C)~~

2) Referral to specific services, as appropriate. ~~(C)~~

3) Help the family to participate in planning for the resident's return to home or other community placement. ~~(C)~~

g) The facility shall employ sufficient, appropriately qualified staff, and necessary supporting personnel to carry out the various social service activities to meet the program needs of the residents. ~~(B, C)~~

h) If the facility designates a ~~nonqualified~~ social worker who does not meet the definition of "qualified social worker" in Section 390.330, then that ~~such~~ person shall receive adequate consultation from a person who meets the definition of "qualified social worker" ~~as defined~~ in Section 390.330.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1090 Speech Pathology and Audiology Services

- a) The facility shall provide speech pathology and audiology services as needed by the residents, either directly, or indirectly by arrangements with an outside resource. These services shall be provided both directly by speech pathologists, audiologists and other personnel and indirectly through consultation with other persons involved in implementing residents communication improvement programs. ~~(B, C)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1090 (continued)

- b) Each resident shall be evaluated within ~~thirty (30)~~ days regarding the need for such services and the results of such evaluation shall be entered in the medical record.

- c) The following services are to be provided each resident as indicated by screening and evaluation results:

1) Comprehensive audiological assessment of residents, as indicated by screening results, to include tests of puretone air and bone conduction, speech audiometry, and other procedures, as necessary, and to include assessment of the use of visual cues. ~~(C)~~

2) Assessment of the use of amplification. ~~(C)~~

3) Provision for procurement, maintenance, and replacement of hearing aids, as specified by a qualified audiologist. ~~(C)~~

4) Comprehensive speech and language evaluation of residents, as indicated by screening results, which include appraisal of articulation, voice, rhythm, and language. ~~(C)~~

5) Participation when appropriate in the continuing interdisciplinary evaluation of individual residents for purposes of initiation, monitoring, and follow up of individualized habilitation programs. ~~(C)~~

6) Treatment services including: Direct counseling with residents, consultation with appropriate staff for speech improvement and speech education activities, and collaboration with appropriate staff to develop specialized programs for developing the communication skills of individuals in comprehension (for example, speech, reading, auditory training, and hearing aid utilization) as well as expression (for example, improvement in articulation, voice, rhythm, and language).

7) Participation in inservice programs for direct care and other staff. ~~(C)~~

8) Report evaluation and assessment results accurately and systematically, and in such manner as to, where appropriate, provide information useful to other staff working directly with the resident and to provide evaluative and summary reports for inclusion in the resident's unit record. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.1090(c) (continued)

- 9) Continuing observations of treatment progress shall be recorded accurately, summarized, communicated and utilized in evaluating progress. ~~(C)~~
- d) There shall be provided sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the various speech pathology and audiology services, in accordance with stated goals and objectives. ~~(B-G)~~
- e) Staff who assume independent responsibilities for clinical services shall meet the requirements as defined in Section 390.330. ~~(B-G)~~
- f) Adequate direction shall be provided personnel, volunteers, or supportive personnel utilized in providing clinical services. ~~(C)~~
- g) Space, facilities, equipment, and supplies shall be adequate for providing efficient and effective speech pathology and audiology services. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1100 Recreational and Activity Services

a) General Requirements for Recreational and Activity Services

- 1) The facility shall provide recreational and activity services as necessary to meet the needs of the residents. These services shall be coordinated with other services and programs provided the residents, in order to make fullest possible use of both community and facility resources and to maximize benefits to the residents. ~~(C)~~
- 2) Each resident shall be evaluated within ~~thirty (30)~~ days of admission regarding the need for services and the results of such evaluation shall be entered in the medical record.
- b) There shall be a specific planned program of group and individual activities designed to encourage restoration to self-care and maintenance of normal activity which is geared to the individual resident's needs. Activities shall be available daily and for a reasonable amount of time. Residents shall be given an opportunity to contribute to planning, preparation, conducting, cleanup, and critique of the program. ~~(B-G)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.1100 (continued)

c) Planning and Direction of Activity Programs

- 1) There shall be a trained staff person responsible for planning and directing the activity program. This person shall be on duty for a sufficient amount of time to provide a program that meets the residents' needs and interests. Additional activity personnel shall be provided as necessary to meet the needs of the residents and the program. ~~(B-G)~~
- 2) The staff person responsible for planning and directing the recreational services shall participate in the continuing interdisciplinary evaluation of individual residents needs for the purpose of initiating, monitoring, and follow-up of these programs.
- d) There shall be written permission, with any contraindications stated, given by the resident's physician for the resident to participate in the activity program. Standing orders will be acceptable with individual contraindications noted.
- e) The recreational and activity program shall include, as appropriate to the residents, the following program areas, at a minimum:
 - 1) Recreational activities (examples: age appropriate games, both quiet and active; parties; outside entertainment ~~etc.~~).
 - 2) Arts and crafts (suitable to meet residents' needs).
 - 3) Religious activities (examples: Bible study or discussion; Bible quizzes and games; hymn singing; grace at meals ~~etc.~~). These are in addition to routine religious services.
 - 4) Service activities for community ~~and/or~~ and facility (examples: assist with community fund drives; projects for orphanages; care of one's own area in the facility; helping to fold linen ~~etc.~~).
 - 5) Social activities (examples: grooming and social graces; planned group discussion; quizzes and word games; resident council; newsletter ~~etc.~~).
 - 6) Community activities (examples: residents' participation in community activities such as plays; church events; band concerts; tours; Girl Scouts and Boy Scouts ~~etc.~~).

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.1100 (continued)

- f) ~~7)~~—A planned volunteer ~~and/or~~ or auxiliary program that assists with the activities program shall be encouraged. It shall be under the direction of a staff member in a supervisory capacity.
- g) ~~8)~~—Documentation of residents' response to program shall be part of the residents' record as set forth in Section 390.1620(b)(2).
- h) ~~f)~~—Equipment and supplies in sufficient quantity and variety shall be provided to carry out the stated objectives of the activities programs.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1110 Educational Services

- a) The facility shall provide either directly or indirectly through arrangements with outside resources, educational programming to all residents.
- b) The individual educational program for each resident shall meet those provisions of the School Code (Ill. Rev. Stat. ~~1987~~ 1987, ch. 122, pars. 1-1 et seq.) which are appropriate to meet the educational needs of that resident.
- c) Each individual educational program shall be written and entered in the resident's record.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1120 Work Activity and Prevocational Training Services

- a) Where appropriate, providers should cooperate with state and community agencies in assisting individual residents to avail themselves of specialized work activity programs, prevocational and work adjustment training, sheltered workshop programs, and other similar programs that are provided outside of the facility. (B-~~G~~)
- b) Appropriate records shall be maintained for each resident functioning in these programs. These shall show appropriateness of the program for the individual, resident's response to the program and any other pertinent observations and shall become a part of the resident's record.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.1120 (continued)

- c) Residents shall not be used to replace employed staff. (B-~~G~~)
(Source: Amended at 13 Ill. Reg. 6301 effective April 17, 1989)

SUBPART F: RESTRAINTS AND SAFETY DEVICES,
BEHAVIOR MANAGEMENT, AND BEHAVIOR EMERGENCIES

Section 390.1310 Restraints and Safety Devices

- a) There shall be written policies, which are followed in the operation of the facility, covering the use of restraints and confinements. (B-~~G~~)
- b) Restraints and confinements, as defined in Section 390.330 shall not be used except in an emergency or as an integral part of an Individual Behavior Program ordered by a physician. The emergency use of mechanical or chemical restraints requires the written order of a physician. (See subsection (c) of this Section ~~below~~). Neither confinements nor restraints shall be used to punish or discipline a resident or as a convenience to the staff. (Safety devices such as vests, elbow cuffs, mittens, enclosed cribs or playpens, or other devices ordered by the physician may be applied to prevent a resident from falling or injuring himself.) (B-~~G~~)
- c) There shall be written policies which are followed in the operation of the facility, controlling the use of safety devices. These policies shall be developed by the medical advisory committee with participation by nursing and administrative personnel. (B-~~G~~)
- d) All safety devices shall be used only upon written order of the attending physician and for the safety and security of the residents. In an emergency a telephone order is acceptable if taken as specified in Section 390.1420(a). (B)
- e) The reasons for ordering and using safety devices shall be recorded in the resident's clinical record. The recordings shall contain ongoing evaluations of need for the safety devices and the measures being taken to reduce or eliminate the need for their use. ~~(G)~~
- f) A resident wearing a safety device shall have it released for a few minutes at least once every two ~~(2)~~ hours, or more often if necessary unless otherwise ordered by a physician. Residents in orthopedic chairs shall be removed from such chairs for at least ten ~~(10)~~ minutes every two ~~(2)~~ hours or more often and assisted to

Section 390.1310(f) (continued)

ambulate if necessary and their physical condition permits. The resident's position shall be changed at these times, and good skin care or other nursing needs provided. (B)

- g) No safety device with locks shall be used. (B)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1320 Behavior Management

- a) Behavior management shall be conducted under the direction of a psychologist or Qualified Mental Retardation Professional with a behavior science education and one ~~41~~ year of experience in behavior management.
- b) The facility shall have written policies and procedures concerning behavior management as needed to meet the needs of the residents. These policies shall be directed to maximizing the growth and development of the resident and shall emphasize positive approaches. These policies shall contain at a minimum:

- 1) A hierarchy of available methods from least to most restrictive.
- 2) Policies that define the use of Individual Behavior Programs, the persons qualified to authorize them, and a mechanism for monitoring and controlling their use.
- c) ~~An~~ ~~Each resident shall have an~~ Individual Behavior Program shall be developed for each resident ~~there~~, if deemed necessary by the facility's psychologist or Qualified Mental Retardation Professional. All Individual Behavior Programs shall be designed to facilitate the development of adaptive behaviors, replace maladaptive behaviors with those that are more adaptive and appropriate, ~~and/or~~ and channel maladaptive behavior into more appropriate modes of expression. They shall utilize the least restrictive methods that are effective. When positive reinforcement is used solely for the purpose of improving adaptive or acceptable behavior, an Individual Behavior Program is not required. (B-~~4~~-G-)

- d) Each Individual Behavior Program shall be reviewed and approved by the interdisciplinary team, which must include, for this review, a psychologist or a Qualified Mental Retardation Professional with a behavior science education and one ~~41~~ year of experience in behavior management.

Section 390.1320 (continued)

- e) Each Individual Behavior Program shall specify:

- 1) the behavior objectives of the program;
- 2) the method to be used;
- 3) the schedule for the use of the method;
- 4) the person responsible for the program;
- 5) the data to be collected to assess progress toward the objectives.

- f) Each Individual Behavior Program shall be available in the appropriate program and living areas, and to the resident and his family.

- g) The facility shall not permit residents to discipline other residents. (B-~~4~~-G-)

- h) The facility shall maintain records of significant maladaptive behavior and the action taken by staff as a consequence of such behavior. ~~(G-)~~

- i) When food is provided as part of a behavior management program, its effect on nutrition and dental status shall be determined and considered. Such programs shall not employ, or result in, denial of a nutritionally adequate diet. (B-~~4~~-G-)

- j) When restriction is used for behavior management: (B)

- 1) It may be utilized only as an integral part of an Individual Behavior Program and shall be designed to lead to a less restrictive way of managing and ultimately eliminating the maladaptive behavior for which the restriction was employed, except in an emergency.

- 2) The facility shall obtain a written order approving the Individual Behavior Program from a physician. The order shall describe the restrictions to be used.

- 3) The events leading up to the need for restriction shall be recorded in the resident's clinical record.

- 4) The resident's record shall document the fact that less

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1320(j)(4) (continued)

restrictive methods of modifying or replacing the behavior have been systematically tried and have been demonstrated to be ineffective.

- 5) The informed consent of the resident, resident's guardian, or parent of a minor resident, as applicable, to the use of the Individual Behavior Program, shall be obtained before implementation of the program.
- 6) The Individual Behavior Program shall, in addition to any other requirements of this Section 390.1320, specify the behavior to be modified and shall include explicit provision for gradual diminishing of the use of restriction and ultimate discontinuation of usage.
- 7) Any Individual Behavior Program utilizing chemical restraints shall specify a time limit not to exceed ~~thirty (30)~~ days. The program may be renewed only on the order of a physician, for periods not to exceed ~~thirty (30)~~ days at any one time.
- 8) Each use of restriction shall be recorded immediately in the resident's clinical record.
- 9) Aversive stimuli may be used only in an extreme last resort situation in which withholding it would be contrary to the best interest of the resident because his behavior is dangerous to himself or others and is extremely detrimental to his development. The resident's record shall document the fact that less restrictive methods have been systematically tried and have been demonstrated to be ineffective. (B-~~6~~)
- k) When time out is used for behavior management: (B)
 - 1) It may be utilized only as an integral part of an Individual Behavior Program.
 - 2) It may not include the use of seclusion.
 - 3) The resident may be retained in a given area for a brief period of time. An open-top enclosure in which the resident can move freely and can see either over or through the sides may be utilized. A chair or mat must be provided, as appropriate.
 - 4) Time out for more than ~~fifteen (15)~~ minutes at any one

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1320(k)(4) (continued)

- time, for more than a total of ~~thirty (30)~~ minutes in any one ~~(1)~~ hour period, or for more than a total of two ~~(2)~~ hours in any eight ~~(8)~~ hour period, shall be effected only upon the written order, on each occasion, of the facility administrator or other designated supervisory or professional personnel. Consecutive periods of time out separated by less than five ~~(5)~~ minutes shall be considered as a single period of time out. The order shall state in detail the reason for the time out and may not be for a period of more than one ~~(1)~~ hour. No order for further time out may be written unless the facility administrator or designated supervisory personnel on duty at the time has reviewed the situation with the staff and has documented the need for another period of time.
- 5) When time out exceeds ~~fifteen (15)~~ minutes at any one time, the situation shall be reviewed at least every ~~fifteen (15)~~ minutes by the facility administrator or designated supervisory personnel.
 - 6) A staff member shall be assigned to visually check on each person in time out at least every ~~fifteen (15)~~ minutes.
 - 7) A record must be kept for each period of time out. Each time a resident is placed in time out, entries shall be made, either in a separate log kept for this purpose or in the resident's record. For time out periods of ~~fifteen (15)~~ minutes or less, the following entries shall be made: name, number of periods of time out in a specified block of time (not to exceed four ~~(4)~~ hours). For time out periods of more than ~~fifteen (15)~~ minutes, the following entries shall be made: resident's name, time in, time out, name of authorized person signing written order for time out, reason resident was placed in time out, and signature of staff member requesting time out. Staff member assigned to ~~fifteen (15)~~ minute checks must sign the log as the time checks are made, recording the time and the resident's condition. ~~(6)~~
 - 8) All safety precautions shall be observed so that the patient cannot injure himself while in "time out." (A, B-~~6~~)
 - 1) When behavior management is used to alleviate significant, chronic maladaptive behavior in a resident, it may be utilized only as an integral part of an Individual Behavior Program.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1320 (continued)

- m) No form of seclusion shall be permitted. (B-~~C~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1330 Behavior Emergencies

- a) There shall be written policies which are followed in the operation of a facility when a behavior emergency occurs. (B-~~C~~)
- b) If a resident becomes unmanageable, the attending physician shall be contacted immediately and the resident shall be examined by the physician as soon as possible. (B-~~C~~)

- c) Mechanical or chemical restraints shall be used in a behavior emergency only upon a physician's order. The resident shall be examined by the physician within ~~forty-eight~~ (48) hours from the time the restraint has commenced. When the physician is not immediately available, a nurse with supervisory responsibility, or the facility administrator may approve in writing the use of mechanical restraints. A confirming order, which may be obtained by telephone, shall be obtained from the physician within eight ~~(8)~~ hours, and a written order shall be obtained from the physician within ~~forty-eight~~ (48) hours. If the original approval was issued by someone who is not a Registered Nurse, the approval is countersigned by a Registered Nurse within eight ~~(8)~~ hours, or the restraint discontinued. (B)

- 1) No order for a restraint shall be valid for more than ~~forty-eight~~ (48) hours. If further restraint is required, a new order must be signed by a physician. (B)
- 2) Restraints and confinements may be applied only by personnel trained in proper application and observation of the restraint. (B)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

SUBPART G: MEDICATIONS

Section 390.1410 Medication Policies and Procedures

- a) Every facility shall adopt written policies and procedures, which are consistent with the purpose of the Act and this Part and which shall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1410(a) (continued)

be followed in the operation of the facility, for properly and promptly obtaining, dispensing, administering, and disposing of drugs and medications. These policies and procedures shall be in compliance with all applicable Federal, State and local laws. (A, B) These policies and procedures shall be developed with the advice of a pharmaceutical advisory committee which includes at least one ~~(1)~~ licensed pharmacist, one ~~(1)~~ physician, the administrator and the Director of Nursing Services. This committee shall meet at least quarterly. (B-~~C~~)

- b) All legend medications maintained in the facility shall be on individual prescription or from the physician's personal office supply, and shall be properly labeled as set forth in Section 390.1440(f). A physician who supplies medicine from his personal office supply must comply with the ~~all~~ requirements of Section 33 of the ~~Illinois~~ Medical Practice Act ~~of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4401-4400-33 et seq.) and the~~ ~~Illinois Controlled Substances Act (Ill. Rev. Stat. 1991, ch. 56-1/2, par. 1101 et seq.), and the rules promulgated thereunder.~~ (B-~~C~~)

- c) All medications administered shall be properly recorded as set forth in Section 390.1620(b)(16). (B-~~C~~)

- d) The staff pharmacist or consultant pharmacist shall participate in the planned in-service education program of the facility on topics related to pharmaceutical services. ~~(C)~~

- e) Permission must be obtained from this Department prior to the opening of any pharmacy in a facility. Such permission will be granted only if it can be shown that the operation of the pharmacy will not interfere in any way with the residents. The pharmacist shall then obtain a license to operate the pharmacy in accordance with the rules of the Illinois Department of ~~Registration and Education~~ Professional Regulation. ~~(C)~~

- f) No facility shall maintain a stock supply of controlled drugs or legend drugs, except for those emergency life saving drugs required in the emergency medication kit, as described in subsection(j) of this Section ~~below~~. (B-~~C~~)

- g) A facility may stock only drugs which are regularly available without prescription at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics. These shall be given to a resident only upon written order of the physician, dentist, or

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.1410(g) (continued)

podiatrist, shall be administered from the original containers, and shall be recorded in the resident's clinical record. (B-~~6~~)

- h) A facility may keep "convenience boxes" containing a reasonable number of medications normally used to treat conditions when residents suddenly become ill in non-life-threatening situations. There shall be no more than six ~~(6)~~ single doses of any one medication for each ~~one hundred (100)~~ licensed beds or portion thereof. Such conditions may include, but are not limited to; convulsions, serious emotional upsets, diarrhea, infection, severe pain, etc. A dose shall be that amount listed by the manufacturer as the "usual dose" of the medication for adults. If the "usual dose" is two ~~(2)~~ tablets, the facility may keep ~~twelve (12)~~ tablets in the convenience box. (B-~~6~~)

- 1) The contents and number of these "convenience boxes" shall be determined by the pharmaceutical advisory committee, and there shall be a label on the outside of each box, listing the contents. (B-~~6~~)
- 2) Each "convenience box" shall be under the control of the pharmacy which supplies the contents of the box, and it shall be kept in a locked medicine room or cabinet. (B-~~6~~)
- 3) No Schedule II substances shall be kept in "convenience boxes." (B-~~6~~)

- 1) Emergency medication kits containing drugs necessary for life saving measures shall be approved by the facility's pharmaceutical advisory committee, and shall be available for immediate use at all times in locations as determined by the pharmaceutical advisory committee. (B-~~6~~)

- 1) In order to provide better security for the contents of these kits, it is recommended that some type of seal be placed on each kit after it has been checked and refilled. This would ensure that the contents of each kit are intact when needed in an emergency.

- 2) These kits shall consist of no more than three ~~(3)~~ single, injectable doses of only a few medications, such as those necessary to treat: cardiac arrest, acute coronary, acute cardiac failure, asthmatic ~~and/or~~ and allergic reactions, acute convulsions, acute pain, shock, diabetic coma, insulin shock, and an acute respiratory infection requiring emergency

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.1410(i)(2) (continued)

administration of a starter dose of an injectable antibiotic. The kits should also contain all of the equipment needed to administer these medications, such as a tourniquet, proper size needles and syringes, and alcohol swabs. It is also permissible to have an airway in these kits. (A, B-~~6~~)

- 3) The contents of these kits shall be labeled on the outside of each kit. The kits shall be refilled as needed. They shall be reviewed by the pharmaceutical advisory committee regarding content at least quarterly. Written documentation of this review shall be maintained. (B-~~6~~)

j) Since emergency medication kits must be available for immediate use at all times, the following requirements must be met when controlled substances are kept as part of the emergency medication kits: (B-~~6~~)

- 1) The controlled substances must be stored separately in a locked cabinet or room, and labeled as to substance and the fact that they are a part of the emergency medication kit. The label of the emergency kit shall list the substances and the specific location where they are stored. (B-~~6~~)
- 2) The controlled substances must be obtained from a drug Enforcement Administration registered hospital, pharmacy, or practitioner. (B-~~6~~)
- 3) Only the director of nursing services, registered nurse on duty, licensed practical nurse on duty, consultant pharmacist or practitioner shall have access to these controlled substances. (B-~~6~~)
- 4) No more than ten different controlled substances shall be kept as part of an emergency medication kit, and there shall be no more than three single, injectable doses of any one controlled substance. (B-~~6~~)
- 5) These controlled substances may be administered only under the emergency conditions set forth in subsection(i)(2) of this Section ~~above~~ and only by registered nurses, licensed practical nurses or practitioners, in compliance with 21 CFR 1306.11 and 21 CFR 1306.21 and the Department of ~~Registration and Education~~ Professional Regulation's rules for the administration of the Illinois Controlled Substance Act (77 Ill. Adm. Code 3100 ~~1650-520~~). (B-~~6~~)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1410(j) (continued)

- 6) A proof-of-use sheet shall be stored with each separate controlled substance. Entries shall be made on the proof-of-use sheet by the nursing staff or practitioner when any controlled substance from the kit is used. The consultant pharmacist shall receive and file for two years a copy of all completed proof-of-use sheets. (B-1-G-)
- 7) Whenever the controlled substance portion of an emergency medication kit is opened, the consultant pharmacist shall be notified within 24 hours. During any period when this kit is opened, a shift count shall be done on all controlled substances until the kit is closed or locked by the consultant pharmacist. Shift counts are not mandatory when the kit is sealed. Proper forms for shift counts shall be kept with these portions of emergency medication kits. (B-1-G-)
- 8) The consultant pharmacist shall check the controlled substances portions of emergency medication kits at least monthly and so document on the outside of the kit. (B-1-G-)
- 9) Failure to comply with any provision of this Section, or of any applicable provision of state or federal statutes or regulations pertaining to controlled substances shall result in loss of the privilege of having or placing controlled substances in emergency medication kits until such time as the facility can demonstrate that it is in compliance with such regulations. This is in addition to the usual methods of corrective action available to the Department, such as fines ~~and/or~~ and other penalties.
- k) Oxygen may be administered in a facility either as concentrated bottled oxygen or via means of an oxygen concentrator. Storage and handling of the bottled oxygen supply shall be in accordance with the 1977 National Fire Protection Association Standards, but no subsequently amended edition of the Standards, for nonflammable medical gas systems. (See Section 390.2620 or Section 390.2920 as appropriate). The facility must be compliance with directions for use of oxygen concentrators as established by the manufacturer. (A, B-1-G-)

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1420 Conformance with Physician's Orders

- a) All medications including cathartics, headache remedies, or vitamins shall be given only upon the written order of a physician. All such orders shall have the handwritten signature of the physician (Rubber stamp signatures are not acceptable.) These medications shall be given as prescribed by the physician and at the designated time. (A, B-1-G-) Telephone orders may be taken by a registered nurse or licensed practical nurse. All such orders shall be immediately written on the resident's clinical record, or a "telephone order form" and signed by the nurse taking the order. These orders shall be countersigned by the physician within five ~~(5)~~ working days. Facilities participating in Medicare/Medicaid must meet the applicable Federal regulations. (B-1-G-)
- b) Review of medication orders: The staff pharmacist or consultant pharmacist shall review the medical record, including physician orders and laboratory test results, at least monthly and, based on ~~the~~ their clinical experience and judgment, determine if there are irregularities which would cause potential adverse reactions. This review shall be done at the facility. Documentation of this review must be entered in the resident's clinical record. Any irregularities noted shall be reported to the attending physician, the advisory physician, and the administrator. (A, B-1-G-)
- c) A medication order not specifically limiting the time or number of doses shall be automatically stopped in accordance with written policy approved by the pharmaceutical advisory committee. (B-1-G-)
- d) The resident's attending physician shall be notified of medications about to be stopped so that ~~he/she~~ the physician may promptly renew such orders to avoid interruption of the resident's therapeutic regimen. (B-1-G-)
- e) All medications to be released to the resident, or person responsible for his care, at the time of discharge or when the resident is going to be temporarily out of the facility at medication time, (such as when attending a vocational training program or on a week-end pass), shall be approved by the physician. A notation concerning their disposition shall be made on the resident's clinical record. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1430 Administration of Medication

- a) All medications shall be administered only by licensed medical or licensed nursing personnel in accordance with their respective licensing requirements. (Some schools of nursing, especially some licensed practical nursing schools, do not include pharmacology courses. It is required that graduates of these schools successfully complete a course in pharmacology or have at least one year's full-time equivalent experience in administering medications in a health care setting, in order to be considered to "have either training or experience, or both, in the job assigned to them" (Section 390.670(b)(2)), if their duties include administering medications to residents.) (A, B—G—) Attorney General's Opinion File No. S-1033-5-1033, dated January 9, 1976, concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the Illinois Nursing Act (Ill. Rev. Stat. 1973, ch. 91, pars. 35.32 et seq.), and as such, cannot be performed by persons who are not licensed as either Registered Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aids, orderlies, attendants, and other auxiliary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes."

- 1) Medications shall be administered as soon as possible after doses are prepared and administered by the same person who prepared the doses for administration, except under single unit dose packaged distribution systems. (B—G—)

- 2) Each dose administered shall be properly recorded in the clinical records by the person who administers the dose. (See Section 390.1620(b)(16)) (A, B—G—)

- 3) Self-administration of medication shall be permitted only upon the written order of the attending physician. (B—G—)

- b) The facility shall have medication cards, or acceptable substitutes, which shall be used and checked against the physician's orders when administering medications to assure proper administration of medicine to each resident. Such records as computer generated medication sheets may be used. These cards shall include or be accompanied by recent photographs or other means of easy identification such as resident identification wristbands. Medication records shall contain resident's name, diagnoses, known allergies, current medications, and, if possible, a history of prescription and non-prescription medications taken by the resident during the ~~thirty~~ (30) days prior to admission to the facility. (B—G—)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1430 (continued)

- c) Medications prescribed for one resident shall not be administered to another resident. (B—G—)
- d) If for any reason, a physician's medication order cannot be followed, the physician shall be notified as soon as is reasonable depending upon the situation and a notation made on the resident's record. (B—G—)
- e) Medication errors and drug reactions shall be immediately reported to the resident's physician and the consulting pharmacist. An entry thereof shall be made in the resident's clinical record and the error or reaction shall also be described on an incident report. (A, B)
- f) Nurses' stations shall be equipped as per Section 390.2660(e) or Section 390.2960(d) and shall have all necessary items readily available for the proper administration of medications. (G—)
- g) Current medication references shall be available, such as the current edition of "Facts and Comparisons, Hospital Formulary," "Physician's Desk Reference" or other suitable references. (G—)

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

Section 390.1440 Labeling and Storage of Medications

- a) All medications for all residents shall be properly labeled and stored at, or near the nurses' station in a locked cabinet, in a locked medication room, or one or more locked mobile medication carts of satisfactory design for such storage. (See subsection (f) and (g) of this Section ~~below~~) (B)

- 1) These cabinets, rooms, ~~and~~ and carts shall be well lighted and of sufficient size to permit storage without crowding. (B—G—)

- 2) All mobile medication carts shall be under the visual control of the responsible nurse at all times when not stored safely and securely, either in a locked room or otherwise made immobile. (B—G—)

- b) All medications for external use shall be kept in a separate area in the medicine cabinet, medicine room or mobile medication cart. (B—G—)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1440 (continued)

- c) All poisonous substances and other hazardous compounds, such as sterilization solutions, irrigation solutions, antiseptics, and diagnostic reagents ~~etc.~~ shall be kept in a separate locked container away from medications. (B)
- d) Biologicals or medications requiring refrigeration shall be kept in a separate securely fastened locked box within a refrigerator or a locked refrigerator, at or near the nurses' station or in a refrigerator within a locked medication room. (B)
- e) The key to the medicine cabinet, medicine room ~~and/or~~ or mobile medication cart shall be the responsibility of, and in the possession of, the persons authorized to handle and administer medications at all times. (B, ~~C~~)
- f) The label of each individual multidose medication container filled by a pharmacist shall clearly indicate the resident's full name, physician's name, prescription number, name, strength and quantity of drug, date this container was last filled, the initials of the pharmacist filling the prescription, the identity of the pharmacy, the refill date, and any necessary special instructions. If the individual multidose medication container is filled by a physician from his own supply, the label shall clearly indicate all the preceding information except that pertaining to the identification of the pharmacy, pharmacist and prescription number. ~~(C)~~

- g) Each single unit ~~and/or~~ or unit dose package shall bear the proprietary ~~and/or~~ and nonproprietary name of the drug, strength of dose and total contents delivered, lot or control number, and expiration date, if applicable. The names of the resident and the physician do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that the drug is administered to the right resident. Appropriate accessory and cautionary statements and any necessary special instruction shall be included, as applicable. Hardware for storing and delivering the medications shall have a label bearing the identity of the dispensing pharmacy. The pharmacist shall provide written verification of the date the medications were dispensed and the initials of the pharmacist who reviewed and verified the medications on hand. The pharmacist need not store such verification at the facility but shall readily make it available to the Department upon request. The lot or control number need not appear on unit dose packages if the dispensing pharmacy has a system for identifying those doses recalled by the manufacturer/distributor or if the dispensing pharmacy will recall and destroy all dispense doses of a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1440(g) (continued)

- recalled medication, irrespective of a manufacturer's/distributor's specifically recalled lot. (B, ~~C~~)
- h) Medication in containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or dispensing physician for relabeling or disposal. Medications in containers having no labels shall be destroyed in accordance with Federal and State laws. (B, ~~C~~)
- i) The medications of each resident shall be kept and stored in their originally received containers. Medications shall not be transferred between containers, except that a licensed nurse may remove medication from original containers and place it in other containers to be sent with a resident when the resident will be out of the facility at the time of scheduled administration of medication, as, for instance, when the resident is on a home visit or away from the facility for employment, workshop, or educational activities. When medication is sent out of the facility with the resident, it shall be labeled by the nurse with the name of the resident, name of the medication, instructions for taking and any other appropriate information. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1450 Control of Narcotics and Legend Drugs

- a) The facility shall comply with all Federal and State laws and regulations relating to the procurement, storage, dispensing, administration, and disposal of medications.
- b) All Schedule II controlled substances shall be stored in such a manner so that two ~~(2)~~ separate locks, using two ~~(2)~~ keys, must be unlocked to obtain these substances. This may be accomplished by several methods such as locked cabinets within locked medicine rooms, separately locked, securely fastened boxes (or drawers) within a locked medicine cabinet, locked portable medication carts, which are stored in locked medicine rooms when not in use or portable medication carts containing a separate locked area within the locked medication cart, when such cart is made immobile. (B, ~~C~~)
- c) Disposal of Medications
 - 1) All discontinued medications, or those having an expiration date that has passed, and all medications of residents who have been

Section 390.1450(c)(1) (continued)

discharged or who have expired, shall be disposed of in accordance with the written policies and procedures that have been established by the facility in accordance with Section 390.1410.

- 2) This Section shall not apply to residents who have been temporarily transferred to a hospital or who are on a temporary home visit. Medications for such persons shall be kept in the facility until such time as the resident expires or is discharged from the facility. (B-~~G~~)

d) Inventory Controls

- 1) For all Schedule II substances, a controlled substances record shall be maintained which lists on separate sheets, for each type and strength of Schedule II Substance, the following information: date, time administered, name of resident, dose, physician's name, signature of person administering dose, and number of doses remaining. ~~(G)~~

- 2) The pharmaceutical advisory committee may also require that other medications shall be subject to such inventory records.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

SUBPART H: RESIDENT AND FACILITY RECORDS

Section 390.1610 Resident Record Requirements

- a) Each facility shall have a medical record system that facilitates the retrieval of information regarding individual residents as demonstrated by the facility. ~~(G)~~
- b) The facility shall keep an active medical record for each resident. This resident record shall be kept current, complete, legible and available at all times to those personnel authorized by the facility's policies, and to the Department's representatives. ~~(G)~~
- c) Record entries shall meet the following requirements:
 - 1) Record entries shall be made by the person providing or supervising the service or observing the occurrence that is being recorded. ~~(G)~~

Section 390.1610(c) (continued)

- 2) Each record entry shall be written in ink or typed, shall be signed, dated, and shall include the profession or title of the person making the entry. ~~(G)~~

- d) All physician's orders, plans of treatment, Medicare or Medicaid certification, recertification statements, and similar documents shall have the original written signature of the physician. The use of a physician's rubber stamp signature, with or without initials, is not acceptable. ~~(G)~~

- e) An ongoing resident record including progression toward and regression from established resident goals shall be maintained. (B-~~G~~)

- 1) The progress record shall indicate significant changes in the resident's condition. Any significant change shall be recorded upon occurrence by the staff person observing the change. (B-~~G~~)

- 2) Recommendations and findings of direct service consultants, such as providers of social, dental, dietary or habilitation services, shall be included in the resident's progress record when the recommendations pertain to an individual resident. ~~(G)~~

- f) A medication administration record shall be maintained which contains the date and time each medication is given, name of drug, dosage, and by whom administered. ~~(G)~~

- g) Treatment sheets shall be maintained recording all resident care procedures ordered by each resident's attending physician. Physician ordered procedures which shall be recorded include, but are not limited to, the prevention and treatment of decubitus ulcers, weight monitoring to determine a resident's weight loss or gain, catheter/ostomy care, blood pressure monitoring, and fluid intake and output. ~~(G)~~

- h) The records maintained for each resident shall be adequate for:
 - 1) Planning and continuously evaluating each resident's habilitation program,
 - 2) Furnishing evidence of each resident's progress and response to the habilitation program, and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1610(h) (continued)

- 3) Protecting each resident's legal rights.
- i) The facility shall have the option of using universal progress notes in the medical records.
- j) Each facility shall have a policy regarding the retirement and destruction of medical records. This policy shall specify the time frame for retiring a resident's medical record, and the method to be used for record destruction at the end of the record retention period. The facility's record retirement policy shall not conflict with the record retention requirements contained in Section 390.1650 of this Part. ~~(c)~~
- k) Discharge information shall be completed within ~~forty-eight~~ 48 hours after the resident leaves the facility.
 - 1) Within ~~forty-eight~~ 48 hours after the resident leaves the facility the resident care staff shall record the date, time, condition of the resident, to whom released, and the resident's planned destination (home, another facility, undertaker). This information may be entered onto the admission record form. ~~(c)~~
 - 2) The discharge information shall also include reasons for discharge, diagnosis, individual habilitation plan, physical, pertinent medical and social histories, orders and staff recommendations for immediate care to ensure the optimal continuity of care for the resident.
- l) At the time of discharge, the facility shall provide those responsible for the resident's post-discharge care with an discharge summary. A copy of this discharge summary shall be retained as a part of the resident record.
- m) When a resident is temporarily transferred to another location, the facility shall provide the temporary caretaker with medical and other information necessary and useful in the care and treatment of the resident.
- n) At least six months prior to a resident's ~~eighteenth~~ 18th birthday, the facility shall complete a report regarding the resident's guardianship status and any actions needed to establish guardianship.
- o) Each resident record is the property of the facility. The facility

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1610(o) (continued)

shall be responsible for securing resident record information against loss, defacement, tampering or use by unauthorized persons.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1620 Content of Medical Records

- a) No later than the time of admission, the facility shall enter the following information onto the identification sheet or admission sheet for each resident:
 - 1) Name, sex, date of birth and Social Security Number,
 - 2) Whether the resident has been previously admitted to the facility,
 - 3) Date of current admission to the facility,
 - 4) State or country of birth,
 - 5) Religious affiliation (if any),
 - 6) Name, address and telephone number of any referral agency, state hospital, zone center or hospital from which the resident has been transferred (if applicable),
 - 7) Name and telephone number of the resident's personal physician,
 - 8) Name and telephone number of the resident's next of kin or responsible relative,
 - 9) Race and origin,
 - 10) Father's name and mother's maiden name, Social Security numbers, birthplaces, address and marital status of resident's parents,
 - 11) Name, address and telephone number of the resident's dentist, and
 - 12) The diagnosis applicable at the time of admission.
- b) The following information shall be obtained and entered in the resident's record at the time of admission:
 - 1) Height, weight, color of hair and eyes, any identifying marks,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1620(b)(1) (continued)

and recent photograph,

- 2) Reason for admission or referral, as well as any prognosis that is available,
- 3) Type and legal status of admission,
- 4) Legal competency status,
- 5) Language spoken or understood,
- 6) Results of the preadmission evaluation conducted pursuant to Section 390.630(a) of this Part, previous histories and any other previous evaluations available.
- 7) At the time of admission, the facility shall obtain a history of prescription and non-prescription medications taken by the resident during the ~~thirty~~ 30 days prior to admission to the facility (if available).
- c) Within ~~fourteen~~ 14 days of admission, each resident's record shall contain an individual habilitation plan which shall be reviewed and updated in accordance with the requirements specified in Section 390.1010(c) of this Part.
- d) Within one month of admission, each resident's record shall contain a statement of prognosis that can be used for programming and placement.
- e) In addition to the information that is specified above, each resident's medical record shall contain the following:
 - 1) Medical history and physical examination form that includes conditions for which medications have been prescribed, physician findings, all known diagnoses and prognosis, if available. This shall describe those known conditions that the medical and resident care staff should be apprised of regarding the resident. Examples of diagnoses and conditions that are to be included are allergies, epilepsy, diabetes and asthma. ~~(G)~~
 - 2) A physician's order sheet that includes orders for all medications, treatments, therapy and habilitation services, diet, activities and special procedures or orders required for the safety and well-being of the resident. ~~(G)~~
 - 3) Nurse's notes that describe the nursing care provided.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1620(e)(3) (continued)

- observations and assessment of symptoms, reactions to treatments and medications, progression toward or regression from each resident's established goals, and changes in the resident's physical or emotional condition. ~~(B)(G)~~
- 4) An ongoing record of notations describing significant observations or developments regarding each resident's condition and response to treatments and programs.
 - A) Physicians and other consultants who provide direct care or treatment to residents shall make notations at the time of each visit with a resident. ~~(G)~~
 - B) Significant observations or developments regarding resident responses to activity programs, social services, dietary services, work programs and nursing and personal care shall be recorded as they are noted. If no significant observations or developments are noted for a month, an entry shall be made in the record of that fact. ~~(G)~~
 - 5) Any laboratory and x-ray reports ordered by the resident's physician. ~~(G)~~
 - 6) Documentation of visits to the resident by a physician and to the physician's office by the resident. ~~(G)~~ The physician shall record, or dictate and sign, the results of such visits, such as changes in medication, observations and recommendations made by the physician during the visits, in the record.
 - 7) The results of the physical examination conducted pursuant to Section 390.1030(f) of this Part. ~~(G)~~
 - 8) Upon admission from a hospital or state facility, a hospital summary sheet or transfer form that includes the hospital diagnosis and treatment, and a discharge summary. This transfer information, which may be included in the transfer agreement, shall be signed by the physician who attended the resident while in the hospital.
 - 9) Reports of overall reviews and evaluations of each resident's individualized program plan. These reports shall identify the developmental progress and status of each resident, and shall be completed at least semi-annually by each professional discipline providing services to the resident.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1620(e) (continued)

- 10) Any correspondence pertaining to the resident's program.
- 11) Records of significant behavior incidents, reactions to any family visits and contacts, and attendance at programs:
- 12) An update of the information recorded at the time of admission. This update shall be performed at least once every ~~twelve~~¹² months, with changes in information relevant to the resident's personal physician and responsible relative to be recorded as they occur.
- 13) Appropriate authorizations and consents.
- 14) Weekly record of resident's weight, unless a different interval is ordered by the physician.
- 15) Records on leaves and temporary transfers, which shall include date, time, condition of resident, to whom released, planned destination, anticipated date of return, and any special instructions on medication dispensed.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1630 Confidentiality of Resident's Records

- a) All information contained in a resident's record, including any information contained in an automated data bank, shall be considered confidential. The facility shall permit the appropriate State and federal agencies (such as Illinois Departments of Public Aid, Public Health, and Mental Health and Developmental Disabilities, and the U.S. Department of Health and Human Services) to have access to resident records.
- b) The facility shall develop and implement written policies governing access to, duplication of, and dissemination of information from medical records.
- c) The facility shall obtain written consent of the resident, or, if a guardian, the resident's guardian, prior to any release of any resident record information to persons not authorized to receive the information.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1640 Records Pertaining to Residents' Property

- a) The facility shall maintain a record of any resident's belongings, including money, valuables and personal property, accepted by the facility for safekeeping. This record shall be initiated at the time of admission and shall be updated on an ongoing basis and made part of the resident's record. ~~(C)~~
- b) When purchases are made for a resident from the resident's personal monies, receipts shall be obtained and retained that verify the date, amount, and items purchased. ~~(C)~~
- c) A separate bookkeeping system shall be maintained by the facility which accounts for all transactions affecting each resident's account. Each individual resident, or the individual resident's representative, shall have access to the record of that individual resident's account. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1650 Retention and Transfer of Resident Records

- a) Records of discharged residents shall be placed in an inactive file and retained as follows:
 - 1) Records for any resident who is discharged prior to being ~~eighteen~~⁽¹⁸⁾ years old shall be retained at least until the resident reaches the age of ~~twenty-three~~⁽²³⁾. ~~(C)~~
 - 2) Records of residents who are over ~~eighteen~~⁽¹⁸⁾ years old at the time of discharge shall be retained for a minimum of five ~~(5)~~ years. ~~(C)~~
- b) After the death of a resident, the resident's record shall be retained for a minimum of five ~~(5)~~ years. ~~(C)~~
- c) It is suggested that the administrator check with legal counsel regarding the advisability of retaining resident records for a longer period of time, and the procedures to be followed in the event the facility ceases operation.
- d) When a resident is transferred to another facility, the transferring facility shall send with the resident a reason for transfer, summary of treatment and results, laboratory findings, and orders for the immediate care of the resident. This information may be presented in

Section 390.1650(d) (continued)

a transfer form or an abstract of the resident's medical record.
(B, C)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1660 Other Resident Record Requirements

This Section contains references to rules located in other Subparts that pertain to the content and maintenance of medical records.

- a) The resident's record shall include facts involved if the resident's discharge occurs despite medical advice to the contrary, as required by Section 390.630(d) of this Part.
- b) The resident's record shall include information regarding the physician's notification and response regarding any serious accident or injury, or significant change in condition, as required by Section 390.1030(j) of this Part.
- c) The resident's record shall contain the physician's permission, with contraindications noted, for participation in the activity program, as required by Section 390.1100(d) of this Part.
- d) The records of residents participating in work activity or prevocational training programs shall document the appropriateness of the program for the resident and the resident's response to the program, as described in Section 390.1120(b) of this Part.
- e) The resident's record shall identify the reasons for any order and use of safety devices or restraints, as required by Section 390.1310(e) of this Part.
- f) The resident's record shall contain any orders specifying the use of mechanical or chemical restraints in a behavior emergency, as specified in Section 390.1330(c) of this Part.
- g) Telephone orders shall be transcribed into the resident's medical record or a telephone order form and signed by the nurse taking the order, as described in Section 390.1420(a) of this Part.
- h) Documentation of the review of medication orders shall be entered in ~~to~~ the resident's medical record as described in Section 390.1420(b) of this Part.

Section 390.1660 (continued)

- i) The resident's medical record shall include notations indicating any release of medications to the resident or person responsible for the resident's care, as described in Section 390.1420(e) of this Part.
- j) Instances of inability to implement a physician's medication order shall be noted in the resident's medical record, as described in Section 390.1430(d) of this Part.
- k) Medication errors and drug reactions shall be noted in the resident's medical record as described in Section 390.1430(e) of this Part.
- l) The resident's record shall include the physician's diet order and observations of the resident's response to the diet, as described in Section 390.1840(a) and (c) of this Part.
- m) The resident's record shall contain any physician determinations that limit the resident's access to the resident's personal property, as described in Section 390.3210(b) of this Part.
- n) The facility shall comply with Section 390.3210(g) of this Part, which requires that any medical inadvisability regarding married residents residing in the same room be documented in the resident's record.
- o) The facility shall maintain a record of approval granted for children of both sexes ~~over~~ under the age of six who occupy the same room, as described in Sections 390.660(c), 390.2660(b)(5), and 390.2960(a)(5) ~~required by Section 390.3210(h)~~ of this Part.
- p) The facility shall permit each resident, resident's parent, guardian or representative to inspect and copy the resident's medical records as provided by Section 390.3220(g) of this Part.
- q) Any resident transfer or discharge mandated by the physical safety of other residents shall be documented in the resident's medical record as required by Sections 390.3300(d) and (g) of this Part.
- r) Summaries of discussions and explanations of any planned involuntary transfers or discharges shall be included in the medical record of the resident that is to be involuntarily transferred or discharged, as described in Section 390.3300(j) of this Part.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1670 Staff Responsibility for Medical Records

The facility shall designate a staff member skilled in record maintenance and preservation who shall be responsible for maintaining and preserving medical records. If the designated person is not a medical records practitioner (as defined in Section 390.330), then the designated person shall receive consultation from a medical records practitioner in order to meet the medical record requirements contained in this Part.

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

Section 390.1680 Retention of Facility Records

The facility shall retain the records referenced in this Section for a minimum of three years. ~~-(G)-~~ It is suggested that the administrator check with legal counsel regarding the advisability of retaining records for a longer period of time, and the procedures to be followed in the event the facility ceases operation. The records for which this requirement applies are as follows:

- a) The annual financial statement described in Section 390.210 of this Part.
- b) The minutes of resident advisory council meetings required by Section 390.650(j) of this Part.
- c) The records of in-service training required by Section 390.670(b)(4) of this Part.
- d) Copies of reports of serious incidents or accidents involving residents required by Section 390.700 of this Part.
- e) Records of the emergency medication kit review by the pharmaceutical advisory committee required by Section 390.1410(i)(3) of this Part.
- f) The reports of findings and recommendations from consultants required in Section 390.1690(a) of this Part.
- g) Copies of the quarterly reports for all employees that are filed for Social Security and Unemployment Compensation as required by Section 390.1690(d) of this Part.

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1690 Other Facility Record Requirements

- a) The facility shall maintain a file of reports of findings and recommendations from consultants. Each report shall be dated and indicate each specific date and time the consultant was in the facility. ~~-(G)-~~
- b) The facility shall complete the Illinois Department of Public Health Annual Long Term Care (LTC) Facility Survey. ~~-(G)-~~
- c) The facility shall maintain a permanent chronological resident registry showing date of admission, name of resident and date of discharge or death. ~~-(G)-~~
- d) The facility shall make available to the Department upon request copies of the quarterly reports for all employees that are filed for Social Security and Unemployment Compensation. ~~-(G)-~~
- e) Rules located in other Sections of this Part that pertain to the content and maintenance of facility records are as follows:

- 1) The facility shall file an annual financial statement as described in Section 390.210 of this Part.
- 2) Records and daily time schedules shall be kept on each employee as set forth in Section 390.670(a) and (b) of this Part.
- 3) The facility shall maintain a controlled substances record as described in Section 390.1450(d) of this Part.
- 4) Menu and food purchase records shall be maintained as set forth in Section 390.1880(d) and (f) of this Part.
- 5) The facility shall maintain a file of all reports of serious incidents or accidents involving residents as required by Section 390.700 of this Part.

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

SUBPART I: FOOD SERVICE

Section 390.1810 Director of Food Services

- a) Each facility shall have a director of food service who shall be either a dietitian or a dietetic service supervisor as defined in Section 390.330. (~~B-G~~)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1810(a) (continued)

- 1) The director of food service shall be a full-time person, suited by training and experience who has been designated by the administrator to be responsible for the total food service operation of the facility. This person shall be on duty a minimum of ~~forty~~ (40) hours each week. (B-~~6~~)
- 2) The head cook may be designated to fill this position as long as it does not interfere with the responsibilities of either position. ~~(C)~~
- b) Consultation. If the person responsible for food services is not a dietitian, he shall have frequent and regularly scheduled consultation from a qualified dietitian. This consultation, given in the facility, shall be not less than eight ~~(8)~~ hours each month and shall include consultation and training in all food service procedures such as menu planning ~~and/or~~ and review, food preparation, food storage, food service safety, sanitation and management of therapeutic diets and in-service education. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1820 Dietary Staff in Addition to Director of Food Services

There shall be sufficient number of food service personnel employed and on duty. Their working hours shall be scheduled to meet the total dietary needs of the residents. All dietary employees' time schedules and work assignments shall be posted in the kitchen. Dietary duties and job procedures shall be available in the dietary department for employees' knowledge and use. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1830 Hygiene of Dietary Staff

Food service personnel shall be in good health. Food service personnel shall practice hygienic food handling techniques and good personal grooming. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1840 Diet Orders

- a) Physicians shall write, in the medical record, a diet order for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1840(a) (continued)

- residents indicating whether the resident is to have a general or a therapeutic diet and the diet shall be served as ordered. ~~(C)~~
- b) A diet order for each resident shall be sent in writing to the food service department for each new admission and for every subsequent change in diet for that resident as ordered by his physician. The diet order shall include, but is not limited to, the following information: name of resident, room ~~and/or~~ and bed number, type of diet, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department. ~~(C)~~
- c) The residents shall be observed to determine acceptance of the diet and these observations shall be recorded in his record and reported to the dietitian. Any significant changes in weight shall also be reported to the dietitian. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1850 Adequacy of Diet and Meal Pattern ~~(A-B)~~

- a) The diet for all residents shall be as prescribed by the attending physician.
- b) Nutritional Requirements for Infants and Children
 - 1) The charts in Tables A and B labeled Nutritional Requirements for Infants and Children have been adapted from current recommendations of the Food and Nutrition Board, National Research Council for children with normal growth and developmental patterns. These recommendations vary for each age group.
 - 2) They are to be used as guidelines only in those cases where the physician does not prescribe therapeutic diet. However, the diet of a resident with severe physical abnormalities and for irregular growth and developmental patterns may require a considerable variance from the current recommended allowances. Such variance shall be permitted upon the written order of the attending physician.

- c) Meal Pattern: Foods for the day shall be planned to provide a variety of foods, variety in texture and good color balance to give "eye appeal" to the meal. One of the following meal patterns and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1850(c) (continued)

schedules shall be used for residents' general diet. Variations from these patterns ~~and/or~~ or schedules will require prior written approval from the Department.

1) Three Meals A Day Plan

A) Breakfast (6:30 - 8:30 A.M.): Fruit or Juice, Cereal, Meat (Optional), but three or four times per week preferable) ~~and/or~~ Bread, Butter or Margarine, Milk, and Choice of additional Beverage.

B) Main Meal (11:30 A.M. - 1:30 P.M.) or (4:30 - 6:30 P.M.): Soup or Juice (optional appetizer), Entree (quality protein), Potato or potato substitute, Vegetable ~~and/or~~ or Salad, Dessert (Preferably fruit unless fruit is served as a salad or will be served at other meal ~~lunch or supper~~), Bread Butter or Margarine, and Choice of Beverage.

C) Lunch or Supper (11:30 A.M. - 1:30 P.M.) or (4:30 - 6:30 P.M.): Soup or Juice (Optional), Entree (quality protein), Potato or potato substitute (Optional if served at main meal), Vegetable ~~and/or~~ or Salad, Dessert, Bread, Butter or Margarine, Milk, and Choice of additional Beverage.

2) Four Meals-A-Day Plan

A) Breakfast (6:30 - 8:30 A.M.): Juice, Cereal, Toast or Roll, Butter or Margarine, Milk, and Choice of additional Beverage.

B) Brunch (10:30 A.M. - 12:30 P.M.): Fruit or Juice, Main Dish (quality protein), Bread, Rolls or Special Breads (such as French Toast or Pancakes), Butter or Margarine, and Choice of Beverage.

C) Full Dinner (3:30 - 5:30 P.M.): Appetizer or Soup, Protein Entree, Potato or Potato Substitute, Vegetable, Salad, Dessert, Bread or Roll, Butter or Margarine, Milk, and Choice of additional Beverage.

D) Light Meal (6:30 - 8:30 P.M.): Meat Group, Bread Group, Light Dessert, and Milk or Juice.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1850(c) (continued)

3) Five Meal-A-Day Plan

A) Continental Breakfast (6:30 - 8:30 A.M.): Fruit Juice, Toast or Roll, Butter or Margarine, Milk, and Choice of additional Beverage.

B) Brunch (9:30 - 11:30 A.M.): Fruit or Juice, Cereal, Eggs ~~and/or~~ or Meat Dish, Bread or Muffin or Special, Toast, Butter or Margarine, and Beverage.

C) Light Meal (12:30 - 2:30 P.M.): Soup with Crackers, Meat Group, Bread Group, and Milk or Beverage.

D) Dinner (3:30 - 5:30 P.M.): Meat, Fish or Poultry, Potato or Potato Substitute, Vegetable, Salad, Bread or Roll, Butter or Margarine, Dessert, Milk, and Choice of additional Beverage.

E) Light Meal (6:30 - 8:30 P.M.): Meat Group, Bread Group, Fruit Juice or Milk, and Dessert (such as Ice Cream, Cookies, Jello, Pudding, Custard, or Fruit).

d) Whatever schedule is established, there shall be a time span of approximately three ~~(3)~~ hours between meals.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1860 Infant and Therapeutic Diets

a) An infant diet is a diet whether therapeutic or general for residents under the age of ~~twelve (12)~~ months.

b) A therapeutic diet is a diet that varies from the recommended nutritional requirements as specified in Section 390.1850.

c) All diets shall be ordered by a physician and recorded in the resident's medical record and served as ordered. The resident shall be observed to determine acceptance of the diet and these observations shall be recorded in his record. (B-~~6~~)

d) All diet orders (see Section 390.1840(a) and (b)) transmitted to the Food Service Department shall include, but are not limited to, the following information: name of resident, room ~~and/or~~ and bed number, type of diet, date diet order is sent to dietary, name of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1860(d) (continued)

- e) All diets or dietary restrictions shall be planned or approved by a dietitian. (B-~~6~~)
- f) The kinds and variations of these prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, diet information for each specific type shall be posted in the kitchen. ~~(G)~~
- g) All infant and therapeutic diets, with the exception of liquid and medical soft, shall be reviewed at least every month. Liquid therapeutic diets shall be reviewed every ~~forty-eight~~ (48) hours. Medical soft diets shall be reviewed every three ~~(43)~~ weeks. This review shall be done by licensed nursing personnel or a qualified dietitian with recommendations to the attending physician. (B-~~6~~)
- h) The facility shall have available and in use, two ~~(2)~~ or more copies of a current diet manual recommended by the Department. One ~~(1)~~ copy shall be located in the kitchen for use by dietary personnel; others shall be located at each nurses' station for available use by the physician when prescribing diets. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1870 Scheduling Meals

- a) A minimum of three ~~(3)~~ meals or their equivalent shall be served daily at regular times with no more than a ~~fourteen~~ (14) hour span between a substantial evening meal and breakfast. (B-~~6~~)
- b) Snacks of nourishing quality shall be offered between meals when there is a time span of four ~~(4)~~ or more hours between the ending of one meal and the serving of the next. (B) Snacks of nourishing quality shall be offered at bedtime when there is a time span of two ~~(2)~~ or more hours between the ending of the last meal and bedtime. (B-~~6~~)
- c) If a resident refuses food served, reasonable and nutritionally appropriate substitutions shall be served. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1880 Menu Planning

- a) Menus, including menus for snacks and "sack" lunches, if required, shall be planned at least one ~~(1)~~ week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook marked "Substitutions" that is kept in the kitchen. If a notebook is used to document substitutions, it shall include the date of the substitution ~~(G)~~; the meal at which the substitution ~~(G)~~ was ~~(were)~~ made; the menu as originally written; and the menu as actually served. (B-~~6~~)
- b) The menu for the current week shall be dated and posted. Upon the request of the Department, sample menus shall be submitted for evaluation. ~~(G)~~
- c) Menus shall be different for the same day of consecutive weeks. ~~(G)~~
- d) All menus as actually served shall be kept on file for not less than ~~thirty~~ (30) days. ~~(G)~~
- e) Supplies of staple food for a minimum of a one ~~(1)~~ week period and of perishable foods for a minimum of a two ~~(2)~~ day period shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu. ~~(G)~~
- f) Records of all food purchased shall be kept on file for not less than ~~thirty~~ (30) days. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1890 Food Preparation and Service

- a) Food shall be prepared by appropriate methods that will conserve their nutritive value, enhance their flavor and appearance. They shall be prepared according to standardized recipes and a file of such recipes shall be available for the cook's use. ~~(G)~~
- b) Foods shall be attractively served at the proper temperatures and in a form to meet individual needs. Foods shall not be mixed for feeding so that residents may develop individual tastes. All solids shall be spoonfed. (B-~~6~~)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTSDEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.1890 (continued)

c) All residents shall be served in a dining room or multipurpose room in an upright position unless contraindicated by resident's condition. All infants shall be held for each feeding. (B-~~6~~-G-)

d) The method of feeding shall encourage, in each resident, the acquisition of developmentally sequential feeding skills. (B-~~6~~-G-)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1900 Preparation of Infant Formula

a) Formula may be prepared by either the facility or by approved outside resources. Approved outside resources are:

- 1) Those infant formula services which are approved to prepare infant formula for sale or distribution by the health department of the state in which the plant is located if the formula is sold interstate; or
- 2) If sold only in Illinois, the infant formula service is approved by a local, full-time health department under an ordinance dealing specifically with infant formula preparation to prepare infant formula for sale or distribution.

b) Facilities electing to utilize approved outside sources, must develop procedures to provide for aseptic preparation of formulas during emergency periods. (B-~~6~~-G-)

c) All facilities which prepare their own formula shall provide suitable facilities and equipment for the preparation of milk or milk substitute feedings and water for infants. (B-~~6~~-G-)

d) Formula preparation facilities must be in a medically clean area. Acceptable locations include a "special" formula room and the dietary department. Other areas may be used if isolated from any source of contamination. (B-~~6~~-G-)

e) If the kitchen is used, formulas must be prepared in such a way that food preparation and serving activities do not interfere. (B-~~6~~-G-)

f) There shall be suitable equipment for cleaning and sterilizing formula bottles, nipples, and utensils for cleaning formula bottles, nipples, and utensils for the preparation of formula. Preparation of formulas must be physically or functionally separated from the

Section 390.1900(f) (continued)

cleaning of equipment. (B-~~6~~-G-)

g) The formulas shall be prepared by or under the supervision of a registered nurse or the Director of Food Service. (B-~~6~~-G-)

h) Personnel assigned to formula preparation duties shall not be assigned to other duties until the complete cycle (formula preparation through proper storage) has been completed. Personnel not assigned to formula preparation shall be excluded from the immediate preparation area during the period of time formulas are being prepared, bottled, and capped. (B-~~6~~-G-)

i) In the cleanup process, all bottles, caps and nipples shall be thoroughly washed with a bottle brush or mechanical washing unit. Nipples should be inverted in the cleaning process and rinsed in running water, then boiled for five ~~(6)~~ minutes. (B-~~6~~-G-)

j) A ~~twenty-four (24)~~ hour supply of formula shall be prepared at one time and the formula not used within ~~twenty-four (24)~~ hours after preparation shall be discarded. Formula shall be poured into individual bottles, nipples, and properly covered at the time of preparation. (B-~~6~~-G-)

k) Bottles and nipples must be washed and sterilized before being returned to the formula preparation room or area. (B-~~6~~-G-)

l) Formulas shall be prepared according to one of three ~~(3)~~ techniques: Terminal Heating Methods, Standard Clean Technique Method, or Aseptic Sterilization. (B-~~6~~-G-)

m) Adequate refrigeration facilities must be provided for storing formulas. Formulas shall be stored at a temperature of 40 degrees Fahrenheit. (B-~~6~~-G-)

n) Periodic bacteriological examination of formula is recommended. ~~(6)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.1910 Food Handling Sanitation

Every facility shall comply with the Department's rules entitled "Food Service Sanitation" ~~rules~~ (77 Ill. Adm. Code 750), ~~as amended~~.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

6468

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1920 Kitchen Equipment, Utensils, and Supplies

The kitchen or dietary area shall be adequate to meet the food service needs. It shall have adequate equipment, utensils, and supplies to properly store, prepare, and serve the required number of meals in accordance with the Department's rules entitled "Food Service Sanitation" ~~rules~~ (77 Ill. Adm. Code 750) ~~as amended~~. This shall include at a minimum the following: (B-~~G~~)

- a) Each kitchen and floor pantry, or sub-kitchen, in each building shall be adequately equipped with steam jacketed kettles (in large facilities), stoves, work tables, refrigerators, ovens, and cabinets ~~etc.~~. New or replacement equipment shall be of satisfactory institutional type based on generally accepted standards. ~~(G)~~
- b) There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives, and mixers ~~etc.~~ of the proper type to satisfactorily prepare the meals. ~~(G)~~
- c) There shall be proper equipment for keeping hot food hot and cold foods cold until served to the residents. This equipment may be in the form of heated food carts, insulated food containers, or suitable equivalent. (B-~~G~~)
- d) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal. ~~(G)~~
- e) Each facility shall provide a sufficient supply of adaptive food service equipment necessary to meet the need of each resident. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section 390.2010 Maintenance

Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: (B-~~G~~)

- a) Maintain the building in good repair and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor covering, such as tile or linoleum; loose handrails or railings;

Section 390.2010(a) (continued)

- loose or broken panes; and any other similar hazards. (B-~~G~~)
- b) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems. (A, B-~~G~~)
- c) Maintain all electrical cords and appliances in a safe and functioning condition. (B-~~G~~)
- d) Maintain the interior and exterior finishes of the building as needed to keep it attractive, clean and safe (painting, washing and other types of maintenance ~~etc.~~). ~~(G)~~
- e) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition. ~~(G)~~
- f) Maintain the grounds and other buildings on the grounds in a safe, sanitary and presentable condition. (B-~~G~~)
- g) Maintain the grounds free from refuse, litter, insect and rodent breeding areas. ~~(G)~~
- h) The building and grounds shall be kept free of any possible infestations of insects and rodents by eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than ~~fourteen~~ ~~(16)~~ mesh to the inch and repair of any breaks in construction. (B-~~G~~)

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

Section 390.2020 Housekeeping

- a) Every facility shall have an effective plan for housekeeping including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: (B-~~G~~)
 - 1) Keep the building in a clean, safe, and orderly condition. This includes all rooms, corridors, attics, basements, and storage areas. (B-~~G~~)
 - 2) Keep floors clean and as nonslip as possible, and free from tripping hazards. Throw rugs ~~and/or~~ and scatter rugs with

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2020(a)(2) (continued)

- nonslip type backings may be utilized if they do not constitute a serious tripping hazard. ~~(G)~~
- 3) Control odors within the housekeeping staff's areas of responsibility by effective cleaning procedures and by the proper use of ventilation systems. Deodorants shall not be used to cover up persistent odors caused by unsanitary conditions or poor housekeeping practices. ~~(G)~~
- b) Attics, basements, stairways, and similar areas shall be kept free of accumulations of refuse, discarded furniture, old newspapers, boxes, discarded equipment, and other items. ~~(B-G)~~
- c) Bathtubs, shower stalls, ~~and/or~~ and lavatories shall not be used for laundering, janitorial, or storage purposes. ~~(G)~~
- d) All cleaning compounds, insecticides, and all other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms. ~~(B-G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2030 Laundry Services

- a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either through an in-house laundry or a contract with an outside service.
- 1) An adequate supply of clean linen shall be defined as the three ~~(3)~~ sets of sheets, draw sheets, and pillow cases ~~etc.~~ required to provide for the residents' needs. Additional changes of linen may be required in consideration of the time involved for laundering and transporting soiled linens. ~~(G)~~
- 2) If an in-house laundry service is provided, then the following conditions shall exist:
- A) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. ~~(G)~~
- B) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and storage of clean and soiled linens. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2030(a)(2) (continued)

- C) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens. ~~(G)~~
- D) Clean linen shall be protected from contamination during handling, transport and storage. ~~(G)~~
- E) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel. ~~(G)~~
- F) The laundry and its accessory storage and handling areas shall not be used as a storage area for supplies not directly connected with the operation of the laundry. ~~(G)~~
- b) If an outside laundry service is used, it shall comply with the requirements of in-house laundries and, in addition, shall provide for protection of clean linens during transport back to the facility. ~~(G)~~
- c) If the facility provides laundry service for resident's personal clothing, it must be handled, transported and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section 390.2210 Furnishings

- a) There shall be safely constructed individual bassinets, cribs, or beds in each bedroom. These shall not be painted with a paint containing lead. Beds or cribs with spokes shall have only narrow openings between the spokes. Each bed shall be of adequate size to accommodate the resident. ~~(G)~~
- b) Each bed shall be provided with satisfactory type springs in good repair and a clean, firm, comfortable mattress of appropriate size

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2210(b) (continued)

- for the bed. ~~(G)~~
- c) Each bedroom exterior window shall have a device to insure privacy and light control. ~~(G)~~
 - d) A satisfactory reading lamp, or equivalent, shall be provided for each bed unless contraindicated. ~~(G)~~
 - e) Each bed shall be provided with a minimum of one ~~(G)~~ clean, comfortable pillow unless contraindicated. ~~(G)~~ There shall be additional pillows available in the facility to satisfactorily serve the needs of the residents ~~students~~. ~~(G)~~
 - f) Each lavatory and each bedroom or adjoining bathroom shall be provided with a mirror when appropriate. ~~(G)~~
 - g) Each resident area shall be provided with appropriate furnishings and equipment to meet resident needs. These furnishings shall be well constructed, and of satisfactory design, and be appropriate for the residents. ~~(G)~~
 - h) Office spaces, nurses' stations, treatment rooms, and other areas shall be satisfactorily furnished with desks, chairs, lamps, cabinets, benches, work tables, ~~and/or~~ and other furnishings essential to the proper use of the area. ~~(G)~~
 - i) Each resident shall be provided with an adequate amount of storage space within the resident's bedroom for personal items and clothing. This space shall be easily accessible to the residents when appropriate. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2220 Equipment and Supplies

- a) The facility shall provide adequate equipment and supplies including at a minimum the following:
 - 1) An adequate supply of nursing equipment such as individual thermometers, catheters, dressings, scales, hypodermic needles, syringes, and other equipment for giving medicines, ~~etc.~~, based on the needs of the residents in the facility. ~~(G)~~
 - 2) At least one ~~(G)~~ properly operating suction machine and one

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2220(a)(2) (continued)

- ~~(G)~~ emergency type oxygen apparatus on each floor or section of the building housing residents. ~~(B, G)~~
- 3) A sufficient quantity of linen such as sheets, diapers, blankets, towels, wash cloths, and plastic sheeting, ~~etc.~~, to provide each resident with a daily individual supply. ~~(G)~~
- 4) At least one ~~(G)~~ bedside screen available in the facility for each ~~fifty (50)~~ beds or major fraction thereof, unless cubicle curtains are provided to provide residents' privacy when needed. ~~(G)~~
- 5) An emergency first-aid kit or emergency box containing bandages, sterile gauze dressing, bandage scissors, tape, sling, burn ointment, airways, tourniquet, sterile suture set, antiseptic skin cleaner and other equipment deemed necessary by the advisory physician or the medical advisory committee. ~~(B, G)~~
- 6) Proper clothing to assure cleanliness and warmth for each resident. ~~(B, G)~~
- 7) A sufficient number of play pens provided for residents under one ~~(G)~~ year of age and in addition for those over one ~~(G)~~ year of age, if needed for proper care. These shall be safe for use. ~~(B, G)~~
- 8) Washable toys and other developmental toys and equipment provided. These shall be of safe and sanitary design. ~~(G)~~
- 9) Cleaning equipment and supplies shall be provided as set forth in Subpart J ~~(Maintenance, Housekeeping and Laundry)~~. ~~(G)~~
- 10) All supplies and special equipment including implements or utensils needed for residents. ~~(G)~~
- b) The facility shall initiate the procedures and assist the resident in obtaining special equipment designed for an individual resident's exclusive use. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2230 Sterilization of Supplies and Equipment

- a) Every facility shall have and follow an acceptable plan to provide

Section 390.2230(a) (continued)

for sterile equipment and supplies, such as needles, syringes, catheters, and dressings. There shall be an autoclave available for sterilizing this type of equipment and supplies. The autoclave should be located in a central sterilization area, clean utility area, or nurses' station. An autoclave will not be required in a facility when other acceptable arrangements have been made, such as: (A, B, ~~C~~)

- 1) Use of individually wrapped sterile dressings, disposable syringes, needles, catheters, and gloves, ~~etc.~~
- 2) Formal plan with another facility for the autoclaving of equipment and supplies.
- 3) Other alternative methods when approved on an individual basis in writing from the Department based on a written request from the facility giving in detail the method proposed to be used and which method meets acceptable criteria for proper sterilization for these items to be sterilized.

b) Every facility shall sanitize bed pans, urinals, wash basins, emesis basins, enema equipment, and similar patient ~~type nursing~~ care utensils as follows.

- 1) Individual bed pans, urinals, wash basins, and similar equipment shall be washed and rinsed after each use, and be sanitized at least weekly ~~periodically while the patient is in the facility~~. If individual equipment is not provided, the equipment shall be washed, rinsed, and sanitized after each use. (B)
- 2) Utensils shall be pre-flushed prior to washing. Utensils shall be washed in a hot detergent solution that is maintained clean. After washing, utensils shall be rinsed free of detergents with clean water.
- 3) Utensils shall be sanitized, either mechanically or manually, through the use of steam, hot water, or chemicals approved by the U.S. Environmental Protection Agency and formulated for the sanitization of patient care utensils. Chemical sanitizers shall be used in accordance with label instructions ~~in a sanitization~~.
- 4) Patient care utensil sanitization shall be completed ~~this procedure shall be done~~ in the ~~a~~ soiled utility room. (B)

Section 390.2230(b) (continued)

~~3) Sanitization may be approved other than in a utensil sterilizer. Such approval shall be on an individual basis in writing from the Department based on a written request from the facility giving in detail the method proposed to be used and which method meets equivalent criteria for proper sanitization of the items to be sanitized.~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section 390.2410 Codes

Water supply, sewage disposal, and plumbing systems shall comply with all applicable State and local codes and ordinances. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2420 Water Supply

- a) Each facility shall be served by water from a municipal public water supply when available. (B, ~~C~~)
- b) When a municipal public water supply is not available, the water supply shall comply with the Department's rules ~~for~~ entitled "Drinking Water Systems" (77 Ill. Adm. Code 900) ~~as amended~~. (B, ~~C~~)
- c) If water is supplied by a well that is not part of a municipal system, the well shall be constructed and maintained in accordance with the Department's rules entitled "Illinois Water Well Construction Code" (77 Ill. Adm. Code 920) and "Illinois Water Well Pump Installation Code" (77 Ill. Adm. Code 925).
- d) Each facility shall have a written agreement with a water company, dairy, or other water purveyor to provide an emergency supply of potable water for drinking and culinary purposes.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2430 Sewage Disposal

- a) All sewage and liquid wastes shall be discharged into a public sewage system when available. (B, ~~C~~)
- b) When a public sewage system is not available, sewage and liquid wastes shall be collected, treated, and disposed of in a private sewage disposal system. The design, construction, maintenance, and operation of the system shall comply with the ~~"Private Sewage Disposal Licensing Act" (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 116-301 et seq.) and the~~ Department's rules entitled "Private Sewage Disposal Code" (77 Ill. Adm. Code 905) ~~as amended.~~ (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

Section 390.2440 Plumbing

Each plumbing system shall comply with the "Illinois Plumbing Code" and the rules promulgated thereunder (77 Ill. Adm. Code 890) effective at the time of construction ~~and/or~~ and approved acceptance by the Department. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section 390.2610 Applicability of these Standards

- a) This Subpart M ~~These standards~~ shall apply to all new Long-Term Care Facilities and major alterations and additions to existing Long-Term Care Facilities. (Major alterations are those that are not defined as minor alterations in subsection (f) of this Section ~~below herein.~~) Long-Term Care Facilities contemplating construction shall contact the Health Facilities Planning Board for information concerning the current requirements. Projects for which working drawings and specifications have received final approval by the Department prior to the promulgation of these Standards will only be required to meet those Standards that were in effect at the time that the final approval was given.
- b) When construction is contemplated, either for new buildings or additions or major alterations to existing buildings coming within the scope of these standards, design development drawings and outline specifications shall be submitted to the Department for review. Approval of design development drawings and specifications shall be obtained from the Department prior to starting final working drawings

Section 390.2610(b) (continued)

- and specifications. Such approval will be based upon compliance with Section 390.2630 of this Subpart. Comments or approval will be provided within ~~thirty~~ ~~(30)~~ days of receipt by the Department.
- c) The final working drawings and specifications shall be submitted to the Department for review and approval prior to beginning of construction. For final approval to remain valid, contracts must be signed within one ~~(1)~~ year of the date of final approval. Alternate methods of design development and construction such as fast track shall be acceptable consistent with the Department's policy. Comments of approval will be provided within ~~thirty~~ ~~(30)~~ days of receipt by the Department.
- d) Any contract modifications which affect or change the function, design, or purpose of a facility shall be submitted to the Department for approval prior to authorizing the modifications. Such approval will be based upon compliance with the requirements in this Subpart. Comments or approval will be provided within ~~thirty~~ ~~(30)~~ days of receipt by the Department.
- e) The Department shall be notified at least ~~thirty~~ ~~(30)~~ days before construction has been completed. The Department will then complete a final inspection. Deficiencies noted during the final inspection must be completed before occupancy will be permitted if required by the Department. ~~(C)~~
- f) Minor alterations or remodeling changes which do not affect the structural integrity of the building, which do not change functional operation, which do not affect fire safety, and which do not add beds or facilities over those for which the Long-Term Care Facility is licensed need not be submitted for drawing approval. However, the Health Facilities Planning Board requirements must be met for all alterations and remodeling projects.
- g) No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor any such existing system materially altered or extended until complete plans and specifications for the installation, alteration or extension have been submitted to the Department and have been reviewed and approved. Such approval will be based upon compliance with Subpart L and this Subpart.

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2620 Codes and Standards

- a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of the rules or regulations of any Agency of the United States or of any standards of a nationally recognized organization or association includes no new amendments or editions made after the date specified. (A, B, ~~C~~)

1) State of Illinois Rules ~~Codes and Standards~~~~Code or Standards~~ ~~Agency~~

- A) Illinois ~~III~~ Plumbing Code ~~(1982)~~ (77 Ill. Adm. Code 890), Department of Public Health ~~Environmental Health Protection~~
- B) Illinois Accessibility Code ~~Standards Illustrated (as amended March, 1981)~~ (71 Ill. Adm. Code 400), Capital Development Board
- C) Fire Prevention and Safety ~~1982~~ (41 Ill. Adm. Code 100), Office of the State Fire Marshal
- D) Food Service Sanitation ~~(1982)~~ (77 Ill. Adm. Code 750), Department of Public Health ~~Environmental Health Protection~~
- E) ~~Boiler and Pressure Vessel Safety Act (Ill. Rev. Stat. 1983, ch. 111-1/2, pars. 3201 et seq.) and Boiler and Pressure Vessel Safety, Rules and Regulations (1984)~~ (41 Ill. Adm. Code 120), Office of the State Fire Marshal
- ~~F) Safety Glazing Materials Act (Ill. Rev. Stat. 1983, ch. 111-1/2, pars. 3101 et seq.), 1979~~

2) Other Codes and References

~~Codes or Standards~~ ~~Agency~~

- A) National Fire Protection Association ~~National Fire Protection Association~~
- 1) NFPA 101 Life Safety Code 1981 Edition (New Health Care Occupancies) and all appropriate references under Appendix B, including but not limited to:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2620(a)(2)(A) (continued)

- ii) NFPA 10 - 1978, Standard for Portable Extinguishers
- iii) NFPA 13 - 1980, Standards for the Installation of Sprinkler Systems
- iv) NFPA 56F - 1977, Standard for Non-Flammable Medical Gas Systems
- v) NFPA 70- 1981, National Electric Code
- vi) NFPA 90A - 1978, Standard for the Installation of Air Conditioning and Ventilating Systems
- vii) NFPA 96- 1980, Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment
- viii) NFPA 220 - 1979, Standard Types of Building Construction
- ix) NFPA 253 - 1978, Flooring Radiant Heat Energy Test
- x) NFPA 255 - 1972, Test of Surface Burning Characteristics of Building Materials
- B) Underwriters' Laboratory, Inc. (UL) ~~Underwriters' Laboratories, Inc.~~
- i) Fire Resistance Index (date) (All Editions)
- ii) Building Material Directory (All Editions)
- iii) Standard No. - 181 - 1974 Factory Made Air Duct Materials and Air Duct Connectors
- C) American Society for Testing and Materials (ASTM) ~~American Society for Testing and Materials~~
- i) Standard No. E-84-1977A, Method of Test for Surface Burning Characteristics of Building Materials (Same as NFPA 255)
- ii) Standard No. E90-1975, Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2620(a)(2) (continued)

- D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) ~~American Society of Heating, Refrigerating, and Air Conditioning~~
- i) Handbook of Fundamentals, 1977
- ii) Standard No. 52-76 Methods of Testing Air Cleaning Devices Used in General Ventilation for Removing Particulate Matters
- E) Uniform Building Code (1982 Edition), International Conference of Building Officials
- F) Standard No. A117.1-1971, American Standards Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, American National Standards Institute
- G) Standard No. A17.1-1971, American National Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Stairs, American National Standards Institute
- H) Pamphlet P-2.1-1967 Standard for Medical-Surgical Vacuum Systems in Hospitals, Compressed Gas Association
- ~~1) Public Health Service Superintendent of Documents Publication No. 934 Food U.S. Government Printing Service Manual Sanitation Office~~
- I) ~~3)~~ HUD FT/TS-24 A Guide to Air Borne, Impact and Structure Borne Noise-Control in Multi-Family Dwellings, Superintendent of Documents, U.S. Government Printing Office
- b) In addition to compliance with the requirements ~~Standards~~ set forth in this Section ~~As set~~, all building codes, ordinances and regulations which are enforced by city ~~City~~, county ~~County~~ or other local jurisdictions in which the facility is, or will be, located must be observed. (A, B, ~~C~~)

c) Where no local building code exists, the recommendations of the 1976 Edition of the Uniform Building Code shall apply. ~~(C)~~

d) The local building code or the recommendations of the 1982 Edition of the Uniform Building Code shall apply insofar as such recommendations are not in conflict with the requirements ~~these standards~~ set

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2620(d) (continued)

forth in this Part, or with the National Fire Protection Association Code 101, Life Safety Code, 1981. ~~(C)~~

- e) The Fire Safety Evaluation System for Health Occupancies (Appendix C) of the 1981 edition of the Life Safety Code (NFPA 101) shall be used by the Department in determining whether any facility's proposed equivalent system is safe and does not constitute a hazard to the life and safety of the staff and residents. In making its determination regarding the proposed equivalent system, the Department shall consider those factors listed in Appendix C.
- f) Pursuant to the Medicare/Medicaid certification requirements of 42 CFR 405.1134(a) (1983) and 42 CFR 442.321(c) (1983), any skilled nursing facility that on December 4, 1980, or on November 26, 1982, or any intermediate care facility that on November 26, 1982, complied with the requirements of the 1967 or 1973 edition of the Life Safety Code will be considered to be in compliance with Section 390.2620(a)(2)(A)(i), as long as the facility continues to remain in compliance with that edition of the Code.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2630 Preparation of Drawings and Specifications

- a) The preparation of drawings and specifications shall be executed by or be under the immediate supervision of an architect registered in the State of Illinois: ~~(C)~~
- b) The first submission shall be the design development drawings indicating in detail the assignment of all spaces, size or areas and rooms, and indicating in outline, the fixed and movable equipment and furniture, and the outline specifications.
- c) The plans shall be drawn at a scale sufficiently large to clearly present the proposed design.
- d) The drawings shall include:
- 1) a plan of each floor including the basement or ground floor,
 - 2) roof plan,
 - 3) plot plan showing roads, parking areas, sidewalks, ~~etc.~~ and other areas,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2630(d) (continued)

- 4) elevations of all facades,
- 5) sections through the building,
- 6) identification of all fire and smoke compartmentation.
- e) Outline specifications shall provide a general description of the construction including finishes; acoustical material, floor covering; heating and ventilating systems; description of the electrical system including the emergency electrical system and the type of elevators.
- f) The total gross floor area and bed count shall be shown on the drawings.
- g) A brief narrative of the proposed program shall be submitted with the preliminary drawings and outline specifications.
- h) Following approval of the design development drawings and the outline specifications, working drawings and specifications shall be submitted. All working drawings shall be well prepared and clean and distinct prints shall be submitted. Drawings shall be accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for construction purposes. Drawings shall be prepared for each of the following branches of work: Architectural, Structural, Mechanical, Electrical and Plumbing.

1) The architectural drawings shall show:

- A) Site plan showing all topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be landscaped. All structures which are to be removed under the construction contract shall be shown.
- B) Plan of each floor and roof. ~~-(C)-~~
- C) Elevation of each facade. ~~-(C)-~~
- D) Sections through building. ~~-(C)-~~
- E) Elevators and dumbwaiters drawings delineating shaft details and dimensions, sizes of cab platforms and doors, travel distances including elevation height of landings, pit sizes, and machine rooms. ~~-(C)-~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2630(h)(1) (continued)

- F) Kitchen, laundry, clean and soiled utility room, special care areas, and similar areas detailed at a scale to show the locations, type, size and connection of all fixed and movable equipment.
- G) Scale details as necessary at a scale sufficiently large to properly indicate details of the work.
- H) Schedule of finishes.
- 2) The structural drawings shall show:
 - A) Plans of foundations, floors, roofs and all intermediate levels shall show the complete design with sizes, sections, and the relative location of the various members including:
 - B) Schedule of beams, girders and columns.
 - C) Notes on design data including the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil bearing pressures.
 - D) Details of special connections, openings, pipe sleeves and expansion joints.
 - E) Special structures shall include calculations defining load assumption, shear and moment diagrams and horizontal and vertical reactions.
- 3) Mechanical drawings with specifications shall show the complete heating, cooling and ventilation systems; plumbing, drainage, stand pipe, and sprinkler systems.
 - A) Heating, Cooling and Ventilation.
 - i) Pumps, tanks, boilers and piping and boiler room accessories.
 - ii) Air conditioning systems with required equipment, water and refrigerant piping, and ducts.
 - iii) Supply and exhaust ventilating systems with connections and piping.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2630(h)(3)(A) (continued)

- iv) Air quantities for all rooms including supply and exhaust ventilating duct openings.
- B) Plumbing, Drainage and Stand Pipe Systems.
 - i) Size and elevation of: street sewer, house sewer, house drains, street water main and water service into the building.
 - ii) Location and size of soil, waste, and vent stacks with connections to house drains, cleanouts, fixtures and equipment.
 - iii) Size and location of hot, cold and circulating mains, branches, and risers from the service entrance, and tanks.
 - iv) Riser diagram of all plumbing stacks with vents, water risers and fixture connections.
 - v) Gas, oxygen and similar piped systems.
 - vi) Stand pipe and sprinkler systems.
 - vii) All fixtures and equipment that require water and drain connections.

4) Electrical drawings shall show all electrical wiring, outlets, and equipment which require electrical connections.

- A) Electrical service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections.
- B) Location of main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches.
- C) Light outlets, receptacles, switches, power outlets, and circuits.
- D) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the telephone company. Where public telephones are used for inter-communication, provide

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2630(h)(4)(D) (continued)

separate room and conduits for racks and automatic switching equipment as required by the telephone company.

- E) Nurses' call systems with outlets for beds and cribs, duty stations, corridor signal lights, annunciators and wiring diagrams.
 - F) Fire alarm system with stations, signal devices, control board and wiring diagrams.
 - G) Emergency electrical system with outlets, transfer switch, source of supply, feeders, and circuits.
 - H) All other electrically operated systems and equipment.
- 5) When the project is an addition, details and information on the existing building shall be provided as follows:
- A) Type of activities within the existing building and distribution of existing beds—etc—.
 - B) Type of construction of existing building and number of stories in height.
 - C) Plans and details showing attachment of new construction to the existing structure.
 - D) Mechanical, Electrical and Plumbing systems showing connections to the existing system.
 - E) The Department may require submission of drawings of all or any part of the existing structure, depending upon the extent of the modification.
 - 6) Specifications shall supplement the drawings and shall: Describe, except where fully indicated and described on the drawings, the materials, workmanship, kind, sizes, capacities, finishes, and other characteristics of all materials, products, articles and devices.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2640 Site

- a) The facility shall be located on a reasonably flat or rolling, well

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2640(a) (continued)

drained site that is not subject to flooding; reasonably free from sources of excessive noise, noxious or hazardous smoke or fumes; not in deteriorated, unpleasant, or potentially hazardous area; and not near uncontrolled sources of insect and rodent breeding. ~~(G)~~

b) The facility shall be located so that the building or buildings can comply with all applicable local zoning ordinances, building restrictions and fire safety requirements. The Department may have additional requirements if the proposed locations of the building or buildings on the site would result in a hazard to or be detrimental to the health, welfare, or safety of the residents in the facility. These additional requirements shall include, but are not limited to, fences, stairs, and other types of barriers to prevent injury to residents. ~~(G)~~

c) The facility shall be located in or near a community which can provide the necessary supportive services for the facility such as physician's services, social services, transportation, recreation, religious services, work, medical facilities, public utilities, or other acceptable substitutes; and be located on a well-maintained, all-weather road. In those instances where the community does not provide these services, the facility shall do so.

d) The facility shall be served by a potable water supply with water pressure and volume that is acceptable to the Department. ~~(B, G)~~

e) The distance from the fire station, the accessibility of the facility, and capability of the fire department must be approved in writing by the Office of the State Fire Marshal. ~~(B, G)~~

f) The facility shall have at least one ~~(1)~~ municipal or private fire hydrant, located within ~~three hundred (300)~~ feet of every point on the perimeter of the building and satisfactory for use by the equipment of the fire department serving the building, or have an acceptable equivalent. Additional hydrants may be required if needed to properly protect the residents from fire hazards. Evaluation and written approval must be obtained from the Office of the State Fire Marshal. ~~(B, G)~~

g) Plans showing the proposed building location must be submitted to the Illinois Department of Transportation, Division of Water Resources to determine compliance with the "Regulation of Construction within Flood Plains" (92 Ill. Adm. Code 706) and Executive Order 79-4. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2650 Administration and Public Areas

a) Facilities for the physically handicapped (public, staff and residents) shall be provided in administration and public areas as well as in resident areas. ~~(G)~~

b) Lobby shall include a reception and information counter or desk, waiting space ~~(G)~~, and public telephones. See the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) for drinking fountains ~~(G)~~ and toilet facilities requirements for staff and visitors. ~~(G)~~

c) General or Individual Office ~~(G)~~ shall have sufficient space to accommodate the following functions: Administrative, Business and Financial Transactions, Professional Staff (such as Director of Nursing, Food Service Supervisor, Activity Director, and Social Service Director ~~(G)~~), and Professional Consultants (such as Medical Director, Pharmacist, Dietitian, and Social Worker ~~(G)~~). ~~(G)~~

d) Multipurpose room ~~(G)~~ shall be provided for conferences, meetings, interviews, and educational purposes. ~~(G)~~

e) Provide adequate space for recording, reviewing and storing resident records. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2660 Nursing Unit

a) The number of resident beds, cribs or bassinets in a nursing unit shall not exceed ~~seventy-five (75)~~. ~~(G)~~

b) General Requirements for Bedrooms

1) Resident bedrooms shall have an entrance directly off a corridor with an entrance door which swings into the room. ~~(G)~~

2) Provide a closet or wardrobe of at least four ~~(4)~~ square feet for each resident. ~~(G)~~

3) Resident bedroom floors shall be at or above grade level. ~~(G)~~

4) Each room used as a resident bedroom shall have at least one ~~(1)~~ outside window, with a total window area equal to one-tenth ~~(1/10)~~ the floor area of the room. ~~(G)~~

NOTICE OF ADOPTED AMENDMENTS

Section 390.2660(b) (continued)

- 5) There shall be separate bedrooms for males and females over six ~~(6)~~ years of age unless the interdisciplinary team determines that separation is not necessary due to the functional level of individual residents. ~~(C)~~
- 6) A handwashing lavatory shall be provided in each bedroom.
- 7) Resident bedrooms shall have adequate and satisfactory artificial light and be equipped in accordance with Section 390.2740(d)(2). ~~(C)~~
- 8) Receptacles shall be provided in accordance with Section 390.2740(e). ~~(C)~~
- 9) Nurses' call system shall be provided in accordance with Section 390.2740(g). ~~(C)~~
- 10) Visual privacy shall be provided for each resident in multibed rooms in accordance with Section 390.2220(a)(4). Location of screen or curtain shall not restrict resident access to bathing facilities, ~~(C)~~ toilet or lavatory. ~~(C)~~
- 11) Residents shall have access to a bathing/toilet room without entering the general corridor area. ~~(C)~~
- 12) No resident bedroom shall be located more than ~~one hundred~~ ~~(100)~~ feet from the nurses' station, clean utility room, and soiled utility room. ~~(C)~~
- 13) Vision panels shall be provided in corridor walls or room doors of each bedroom.

c) Resident Bedrooms

- 1) Each single bedroom used for a resident shall have at least ~~one~~ ~~(100)~~ square feet of usable net floor area, not including any space taken up for closets, wardrobes, bathrooms, and clearly definable entryway areas. ~~(C)~~
- 2) Each multiple bedroom for residents shall have the following floor areas, exclusive of closets, wardrobes, bathrooms, and clearly defined entryways:

- A) Not less than ~~(80)~~ square feet per bed.
Size: 38"-40" x 75"-84". No more than 4 beds per room.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2660(c)(2) (continued)

- B) Not less than ~~(70)~~ square feet per small bed. Size: 37" to less than 38" x 61" to less than 75". No more than 4 beds per room.
- C) Not less than ~~(65)~~ square feet per large crib. Size 30" to less than 37" x 56" to less than 61".
- D) Not less than ~~(55)~~ square feet per medium crib. Size: 27" to less than 30" x 43" to less than 56".
- E) Not less than ~~(50)~~ square feet per small crib. Size: 19" to less than 27 x 35" to less than 43".
- F) Not less than ~~(30)~~ square feet per bassinets. Size: Smaller than 19" x 35". All sleeping accommodations shall be adequate in size to allow for the resident's comfort.
- 3) Multiple resident bedrooms shall not have more than four ~~(4)~~ beds of any size located not more than three ~~(3)~~ deep from the outside wall.
- 4) Any combination of beds, cribs ~~and/or~~ and bassinets (of any size) may be placed in the same bedroom when appropriate to the functional levels of the residents. However, no bedroom shall contain more beds, cribs, ~~and/or~~ and bassinets (of any size) than can be contained in ~~three hundred ninety~~ ~~(390)~~ square feet of floorspace, except that no more than four ~~(4)~~ beds of any size can be contained in one room and such rooms shall not contain any cribs or bassinets of any size. In addition, the number of residents in a bedroom shall not exceed eight ~~(8)~~.
- 5) Provide a minimum clearance of three ~~(3)~~ feet at the foot and one side of all sleeping accommodations. Clearance is not required when accommodation is not occupied, however, an exit path must always be maintained in accordance with the requirements of the National Fire Protection Association's Standard No. 101: Life Safety Code. ~~(C)~~
- 6) The minimum dimension of bedrooms shall be ten ~~(10)~~ feet between walls or a wall and any built-in furniture or storage space.
- d) Special Care Room
 - 1) Provide one ~~(1)~~ special care room for each nursing unit.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2660(d)(1) (continued)

complying with bedroom requirements in subsections (b) and (c) of this Section ~~above~~.

- 2) Provide one ~~(1)~~ workroom with observation windows adjacent to special care room. Space within this room or in separate rooms shall be designed to include all or part of the following functions:

- A) Hygienic care including bathing, complying with this Section.
- B) Separated soiled area with hampers for soiled linen, diapers and disposables. Provide this area with a double compartment sink with integral drainboard and clinical rim flush sink.

- C) Separated clean area with storage cabinets work counter, refrigerator, formula storage-dispensing and clean linen storage.

- D) Gowning for staff.

- 3) When more than one resident is housed in this room, it may only be used to isolate residents with the same communicable disease.

- 4) This room shall be located to allow direct appropriate visual supervision from the nurses' station. ~~(6)~~

- 5) This room may be included in the authorized maximum bed capacity for the facility.

- 6) It is permissible for the room to be occupied by residents not in need of special care, provided the resident is clearly informed and understands ~~before~~ they will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care. ~~(6)~~

e) Nurses' Station (~~B-6~~)

- 1) Provide a minimum of one ~~(1)~~ nursing station for each nursing unit. The station shall have direct access to a corridor, shall be located near the area it will serve, and shall be designed to provide visual control of the area. It shall be separated satisfactorily from the nurses' utility rooms.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2660(e) (continued)

- 2) One or more nursing units may be combined with a central nursing station if sufficient space is provided for all nursing functions.

- 3) A toilet room shall be provided near each station for nursing staff. A lounge with lockers for safekeeping of coats and personal effects shall be provided either within this space or in a convenient central location.

f) Bathing and Toilet Rooms

- 1) The bathing/toilet room adjacent to resident room shall serve no more than two ~~(2)~~ resident rooms nor more than ~~sixteen~~ ~~(16)~~ beds, cribs or bassinets. ~~(6)~~

- 2) Fixtures shall be provided as follows:

- A) Lavatories: One ~~(1)~~ per eight ~~(8)~~.

- B) Clinical rim flush sink ~~and/or~~ and water closet for residents capable of using them: One ~~(1)~~ per eight ~~(8)~~.

- C) Bathing or shower fixtures: One ~~(1)~~ per ten ~~(10)~~.

- 3) The lavatory may be omitted from the bathing/toilet room when installed in the resident room.

- 4) Provide a minimum of one ~~(1)~~ bathtub for assisted bathing per nursing unit. There shall be a clear area at least three ~~(3)~~ feet wide on one long side. ~~(6)~~

- 5) Provide a minimum of one ~~(1)~~ shower stall for assisted showering per nursing unit. The shower stall shall be at least four ~~(4)~~ feet square with no curb. ~~(6)~~

- 6) Other acceptable fixtures for bathing the residents may be provided with Department approval.

- 7) All plumbing fixtures shall be designed and installed to satisfactorily serve the residents using them. ~~(6)~~

- 8) There shall be separate toilet and bathing areas on each floor for males and females over six ~~(6)~~ years of age unless the interdisciplinary team determines that separation is not

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2660(f)(8) (continued)

necessary due to the functional level of individual residents.

- 9) Provide one ~~(1)~~ wheelchair toilet room for residents residing in nursing unit. This room shall be accessible from the corridor and shall contain a water closet and lavatory. ~~(G)~~

- 10) Wheelchair resident toilet rooms ~~(6)~~ are not required when all resident toilet rooms can accommodate wheelchair residents. ~~(G)~~

- 11) Grouped bathing and toilet facilities shall be partitioned or curtained for privacy ~~(G)~~

g) Utility Rooms

- 1) Clean utility room shall have direct access to a corridor or access may be through the nurses' station entrance. This room shall contain work counters, single or double compartment sink with integral drainboard, storage cabinets, and an autoclave. (Autoclave may be waived in lieu of other methods if sterilization is approved by Department.) ~~(G)~~

- 2) Clean linen storage room or closet within the clean utility room shall be provided. If a closed cart system is used, storage may be in an alcove. ~~(G)~~

- 3) Soiled utility room shall have direct access to a corridor. This room shall contain work counters, double compartment sink with integral drainboard, storage cabinets with shelves, a clinical rim flush sink, and sanitizer (See Section 390.2730). ~~(G)~~

- 4) The charging room for a linen chute shall be large enough to unload the collecting cart with the corridor door closed. ~~(G)~~

- h) Medicine station shall be provided for convenient and prompt ~~twenty-four (24)~~ hour distribution of medicine to residents.

- 1) The medicine preparation room shall be under the nursing staff's visual control and contain a work counter, refrigerator, and locked storage for biologicals and drugs. Provision for handwashing and medication purposes shall be provided in medication preparation room. ~~(G)~~

- 2) If medicine dispensing carts are used, a specific space shall be

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2660(h)(2) (continued)

provided which may be located in the nurses' station or in an alcove or other space under the direct control of the nursing staff. Provision for handwashing and medication purposes shall be provided in the nurses' station. ~~(G)~~

- 1) Nourishment station shall be provided with a handwashing sink and equipment including refrigerator, and storage cabinets for serving nourishment between scheduled meals. ~~(G)~~

- 1) Commercially prepared formulas can be stored and dispensed from this room or from the special care workroom.

- 2) Ice for residents' use shall be provided only by icemaker dispenser unit.

- 3) There shall be a separate room or area for bottle and nipple washing and cleaning, equipped as necessary to carry out proper technique.

- j) Room for examination and treatment of residents shall be provided and shall have a minimum floor area of ~~one hundred (100)~~ square feet, excluding space for vestibule, closets and work counters (whether fixed or movable). The minimum room dimension shall be ten feet ~~(40-60)~~. The room shall contain a lavatory or sink equipped for handwashing; a work counter; storage facilities; and as desk, counter, or shelf space for writing. When this room is not being used for examination or treatment, it may be used for other functions (such as an office ~~etc.~~) ~~(G)~~.

- k) Equipment storage room ~~(s)~~ shall be provided for storage of equipment such as I.V. stands, inhalators, air mattresses, walkers, and wheelchairs ~~and etc.~~ ~~(G)~~

- 1) Parking space for wheelchairs shall be provided and located out of path of normal traffic. ~~(G)~~

(Source: Amended at 13 Ill. Reg. ~~6301~~, effective April 17, 1989)

Section 390.2670 Dining, Play, Activity/Program Rooms ~~(s)~~

a) General

- 1) The combined area of these rooms shall not be less than ~~forty (40)~~ square feet per resident bed ~~and/or~~ or crib. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2670(a) (continued)

- 2) The activity/program room ~~(s)~~ may be combined with the play room ~~(s)~~ ~~and/or~~ or dining room.
- 3) These ~~locate these~~ rooms shall be located so that they are not an entrance vestibule from the outside.
- 4) Playing and feeding functions, if suitable and consistent with the programs, may occur in bedrooms. However, dining rooms, playrooms, and activity rooms may not be used for resident bedrooms. ~~(G)~~

b) Dining

- 1) Provide a minimum of one ~~(1)~~ dining room with at least ten ~~(10)~~ square feet per resident bed, crib and bassinet. This area may be reduced to allow for individual feeding.
- 2) Additional space shall be provided on resident sleeping floors for individual feeding or residents when required due to the functional level of the individual resident as determined by the interdisciplinary team.

c) Play

- 1) Provide a minimum of one ~~(1)~~ furnished playroom on each floor in multiple story buildings. ~~(G)~~
- 2) This room shall have adequate space to permit children to run. ~~(G)~~
- 3) Each playroom shall have at least one ~~(1)~~ outside window with a total window area equal to one-tenth ~~(1/10)~~ the floor area of the room. ~~(G)~~
- 4) There shall be satisfactory outdoor play area and equipment to meet the needs of all residents who can be taken outdoors.
- d) Activity/Program ~~Provide activity/program~~ room and educational rooms shall be provided based on program requirements. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2680 Therapy and Personal Care

- a) Physical and occupational therapy facilities shall be provided as may be required by ~~Subpart E~~ Section 390.1060. The area necessary to provide these services may be part of the ~~forty (40)~~ square feet in Section 390.2670(a). ~~(G)~~
- b) Space shall be provided with appropriate equipment for hair care and grooming needs of the residents. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2690 Service Departments

- a) Dietary facilities shall comply with the standards specified in the ~~State of Illinois~~ Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750) ~~and the Food Service Sanitation Manual, Public Health Service No. 934~~. Food service facilities shall be designed and equipped to meet the requirements of the Narrative Program. These may consist of an on-site conventional food preparing system, a convenience food service system, or an appropriate combination of the two. (B-~~G~~)
- b) The kitchen, consisting of food preparation, cooking and serving areas, shall be approximately ten ~~(10)~~ square feet per resident bed, crib or bassinet with a minimum area of at least ~~two hundred (200)~~ square feet. It shall be properly located for efficient food service, and be large enough to accommodate the equipment and personnel needed to prepare and serve the number of meals required. (B-~~G~~)
- c) The following facilities shall be provided as required to implement the type of food service selected:
 - 1) A control station shall be provided for receiving food supplies. ~~(G)~~
 - 2) Storage space shall be adequate to provide normal and emergency supply needs, approximately two and one half ~~(2 1/2)~~ square feet per resident bed, crib or bassinet for bulk and daily food storage, located in a room convenient to the kitchen. ~~(G)~~
 - 3) Food Preparation Facilities. Conventional food preparation systems require space and equipment for preparing, cooking, and baking. Convenience food service systems such as frozen prepared meals, bulk packaged entrees, and individual packaged

Section 390.2690(c)(3) (continued)

portions, or systems using contractual commissary service require space and equipment for thawing, portioning, heating, cooking, or baking. ~~(C)~~

- 4) Handwashing facilities ~~facility(ies)~~ shall be located in the food preparation area. ~~(C)~~
- 5) Residents' meal service facilities shall be provided as required for tray assembly and distribution. ~~(C)~~
- 6) Warewashing space shall be located in a room or an alcove separate from food preparation and serving areas. Commercial type dishwashing equipment shall be provided. Space shall also be provided for receiving, scraping, sorting, stacking and loading soiled tableware and for transferring clean tableware to the using areas. A handwashing lavatory shall be provided. ~~(B, C)~~
- 7) Potwashing facilities shall be located conveniently for washing and sanitizing cooking utensils. ~~(B, C)~~
- 8) Storage areas shall be provided for cans, carts, and mobile tray conveyors. ~~(C)~~
- 9) Waste storage facilities shall be located in a separate room easily accessible to the outside for direct pickup or disposal. ~~(C)~~
- 10) Office ~~(s)~~ or desk spaces shall be provided for dietitians ~~(s)~~ ~~and/or~~ and the dietary service manager. ~~(C)~~
- 11) Toilets ~~(s)~~ with lavatory shall be accessible to the dietary staff. ~~(C)~~
- 12) A janitors' closet for the exclusive use of the food preparation areas shall be located within the dietary department. It shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies. ~~(C)~~
- 13) Self-dispensing icemaking facilities shall be provided. ~~(C)~~
- 14) Provide adequate can, cart and mobile tray washing facilities as required. ~~(C)~~

Section 390.2690 (continued)

d) Infant Formula Facilities

1) On-site Formula Preparation

- A) Clean-up facilities for washing and sterilizing supplies. These shall consist of a lavatory or sink equipped for handwashing, a bottle washer, work counter space, and an equipment sterilizer.
- B) If required by the program, provide a separate room for preparing infant formula. It shall contain a lavatory or sink equipped for handwashing, refrigerator, work counter, formula sterilizer, and storage facilities. It may be located near the nurseries or at another appropriate place within the facility.
- 2) Commercially prepared formula. If a commercial infant formula is used, the storage and handling may be done in room which has a work counter, a sink equipped for handwashing, and storage facilities.

e) Laundry

- 1) Provide a laundry room with commercial type equipment designed to meet the needs of the facility unless a commercial laundry service is used. ~~(C)~~
- 2) The laundry facilities shall be designed to provide for the processing of linens from soiled linen receiving/sorting through washing, through drying, through clean linen inspection, folding and storage, maintaining a separation between soiled and clean functions. ~~(C)~~
- 3) Provide for the storage of laundry supplies and carts. ~~(C)~~
- 4) If washers and dryers are provided for personal use of residents, they shall be located in a room separate from the facility's laundry room. ~~(C)~~
- f) Housekeeping and Storage
 - 1) Sufficient janitor's closets shall be provided throughout the facility as required to maintain a clean and sanitary environment. Each shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies.

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 390.2690(f)(1) (continued)

Section 390.2700(a) (continued)

- Space ~~(6)~~ for large housekeeping equipment and for back-up supplies may be centrally located. ~~(C)~~
- 2) Provide a total area of approximately ten ~~(10)~~ square feet per resident bed, crib or bassinets for the storage areas designated in this service department. This does not include closets or wardrobes in residents' rooms. Separate storage space with provisions for locking and security control shall be provided for residents' personal effects which are not kept in residents' bedroom. ~~(C)~~
 - 3) Provide storage rooms for maintenance supplies, yard equipment and similar items ~~(etc.)~~. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2700 General Building Requirements ~~Building General~~

a) Elevators

- 1) Have a minimum of one ~~(1)~~ elevator in all buildings of two ~~(2)~~ or more stories in height. The lowest level shall be considered as one ~~(1)~~ story if it is used by residents. ~~(B, C)~~
- 2) If ~~sixty (60)~~ to ~~two hundred (200)~~ beds, cribs or bassinets are located above the first floor, at least one ~~(1)~~ additional elevator shall be provided. ~~(C)~~
- 3) For facilities with more than ~~two hundred (200)~~ beds, cribs or bassinets, the number of elevators shall be determined from a study of the use requirements and the estimated vertical transportation requirements.
- 4) A minimum of one ~~(1)~~ car shall be of institutional type having inside dimensions that will accommodate a stretcher and attendants and shall be at least five feet ~~(5'0")~~ by seven feet, six inches ~~(7'6")~~. The car door shall have a clear opening of not less than three feet, eight inches ~~(3'8")~~. ~~(C)~~
- 5) Elevators shall be equipped with an automatic leveling device of the two-way automatic maintaining type. ~~(C)~~

- 6) Elevator controls, alarm buttons, and telephones shall be accessible to physically handicapped. Refer to ~~State of the~~ the Capital Development Board's rules entitled "Illinois Accessibility ~~Standards Illustrated~~ Code" (71 Ill. Adm. Code 400).
- 7) Elevator call buttons, controls, and door safety stops shall be of a type that will not be activated by heat or smoke. (B)
- 8) Elevators, except freight elevators, shall be equipped with a two-way special service key operated switch to permit cars to bypass all landing button calls and be dispatched directly to any floor. ~~(B, C)~~
- 9) Fireman's emergency operations shall be furnished in accordance with American National Standards Institute Standard A17.1 Elevator Safety Code. (B)
- 10) Inspections and tests shall be made and written certification be furnished that the installation meets the requirements set forth in this Section and all applicable safety regulations and codes. (B)

b) Handrails and Grab Bars

- 1) Handrails shall be provided on both sides of all corridors and ramps used by residents. ~~(B, C)~~
- 2) Handrails shall be provided on all walls of elevator cab. ~~(B, C)~~
- 3) Handrails on stairs used by residents shall be provided on both sides of the stairs including the platforms and landings. (B)
- 4) Handrail and grab bar dimensions and details shall conform to the Capital Development Board's rules entitled "Illinois Accessibility Code" ~~Standards Illustrated~~ (71 Ill. Adm. Code 400). ~~(B, C)~~
- 5) Grab bars shall be provided for all resident toilets, showers, and tubs ~~(etc.)~~. ~~(B, C)~~
- 6) The ends of handrails and grab bars shall return to the wall. ~~(B, C)~~

DEPARTMENT OF PUBLIC HEALTH

- DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 390.2700(b) (continued)

Section 390.2700(d) (continued)

- 7) Handrails and grab bars shall be installed at a height to meet the special needs of the residents of each facility. (B-~~6~~-)

c) Ceiling Heights

- 1) All rooms occupied or used by residents shall have ceilings not less than eight ~~8~~ feet. ~~(6)~~
- 2) Corridors, storage rooms, toilet rooms and other minor rooms shall have ceilings not less than seven ~~7~~ feet, eight ~~8~~ inches. ~~(6)~~
- 3) Suspended tracks, rails and pipes located in the path of traffic shall be no less than six ~~6~~ feet eight ~~8~~ inches above the floor. ~~(6)~~
- 4) Boiler room shall have ceiling clearances not less than two ~~2~~ feet six ~~6~~ inches above the main boiler header and connecting piping. ~~(6)~~

d) Doors and Windows

- 1) Main entrance and all exit doors shall swing outward and be provided with door closers and panic hardware. (B-~~6~~-)
- 2) Door Alarm Systems. See Section 390.2740(f)(1).
- 3) Locks installed on resident bedroom doors shall be so arranged that they can be quickly and easily unlocked from the corridor side. All such locks shall be arranged to permit exit from the room by a simple operation without the use of a key. The door may be lockable by the occupant if the door can be unlocked from the corridor side and keys are carried by the staff at all times. (B-~~6~~-)
- 4) The doors for the toilet rooms used by residents shall have a minimum door width of three ~~3~~ feet. (B-~~6~~-)
- 5) No toilet or bathroom door shall be provided with hardware which could allow a resident to become locked in the room. All toilet or bathroom doors and hardware shall be designed to permit emergency egress to the room. (B-~~6~~-)
- 6) Doors and windows shall fit snugly and be weather tight, yet open and close easily. ~~(6)~~

- 7) Outside doors, other than required exits, and operable windows shall be equipped with tight-fitting, ~~sixteen~~ ~~16~~ mesh screens. Screen doors shall be equipped with self-closing devices. ~~(6)~~
- 8) All doors to resident's sleeping rooms shall be provided with automatic closers actuated by smoke detectors in the resident room. The doors shall normally be free swinging in the open and close directions, and be designed so they will remain in any position except when they are actuated by the detector. They shall then close gently and shall latch when closed. When so actuated they shall automatically close again if opened manually. Each door shall be equipped with a light mounted on the wall adjacent to the door. The light shall illuminate if the door has been closed as a result of the actuation of the controlling smoke detector. Each door closer will be activated only when its own detector annunciates a fire. In addition, a centrally located monitor shall contain signals which identify the resident room in which the smoke detector has signaled the alarm. The system shall be wired into the fire alarm system. (B-~~6~~-)

e) Floors

- 1) Floors shall be smooth, free from cracks and finished so that they can be easily and properly cleaned. Floors shall be covered wall to wall with water resistant material in wet areas including but not limited to bathrooms, kitchens, utility rooms. (B-~~6~~-)
- 2) Thresholds and expansion joints shall be flush with the floor to facilitate use of wheelchairs and carts. ~~(6)~~
- f) Mirrors shall be installed above all lavatories except handwashing lavatories in food preparation areas, clean and sterile supply areas and nurses' handwashing sink. ~~(6)~~
- g) Provide paper towel dispensers and waste receptacles at all staff used lavatories. ~~(6)~~
- h) Rooms containing heat-producing equipment (such as boiler or heater rooms and laundry rooms) shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of ~~10~~ ~~ten~~ degrees Fahrenheit above the ambient room temperature. ~~(6)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2700 (continued)

i) Sound Transmission Limitation

- 1) Recreation rooms and exercise rooms, and similar spaces where impact noises may be generated, shall not be located directly over resident bed areas unless special provisions are made to minimize such noise. ~~(C)~~
- 2) Sound transmission limitations shown in Table C shall apply to partitions, floors, and ceiling construction in resident areas. ~~(C)~~

j) Hazardous Areas, Fire Extinguishers and Miscellaneous

- 1) Interior finish flame spread ratings shall be in accordance with the National Fire Protection Association, Life Safety Code Standard 101, Standards for Flame Spread and Smoke Emission Ratings. (B)
- 2) There shall be at least one ~~(1)~~ approved fire extinguisher in all basements, furnace rooms, and kitchens, laundry rooms and beauty shops. In addition, there shall be on each floor of the building, extinguishers located so a person will not have to travel more than ~~fifty~~ ~~(50)~~ feet from any point to reach one. They shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher. ~~(B)(C)~~
- 3) Approved containers with proper covers shall be provided for daily storage of rubbish. ~~(B)(C)~~
- 4) Housekeeping throughout the building, including basements, attics, and unoccupied rooms shall be adequately performed to minimize all fire hazards. ~~(B)(C)~~
- 5) The facility shall comply with any reasonable additional fire protection measures recommended by the Department over and above these requirements or the Office of the State Fire Marshal if conditions in and around building, including its location, indicate that such additional protection is needed. ~~(B)(C)~~
- k) Have no other business not related to health care conducted in the building that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and shall have a separate entrance. ~~(A, B)(C)~~

(Source: Amended at 13 Ill. Reg. ~~6301~~, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2710 Structural

a) ~~Design Data~~ General Structural Requirements

- 1) The buildings and all parts thereof shall be of sufficient strength to support all dead, live, and lateral loads without exceeding the working stresses permitted for the materials of their construction in generally accepted good engineering practice. ~~(B)(C)~~
- 2) Special provision shall be made for loads which have a greater load than the specified minimum live load, including partitions which are subject to change of location. ~~(B)(C)~~
- b) Construction shall be in accordance with the requirements of National Fire Protection Association Standard 101, Life Safety Code, and the minimum requirements contained herein. ~~(A, B)(C)~~
 - 1) Foundations shall rest on natural solid ground and shall be carried to a depth of not less than one ~~(4)~~ foot below the estimated frost line or shall rest on leveled rock or load-bearing piles or caissons when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. It is recommended that soil test borings be taken to establish proper soil-bearing values for the soil at the building site. ~~(C)~~
 - 2) Assumed live loads shall be in accordance with the International Conference Building Officials Uniform Building Code. ~~(C)~~
 - 3) The fire resistance rating of the structural members shall be as established by National Fire Protection Association Standard 220 (Standard Types of Building Construction). ~~(C)~~
- c) Provisions for Natural Disasters ~~(B)(C)~~
 - 1) Earthquakes: In regions where local experience shows that earthquakes have caused loss of life or extensive property damage, buildings and structures shall be designed to withstand the force assumptions specified in the International Conference Building Officials Uniform Building Code. ~~(B)(C)~~
 - 2) Tornadoes and Floods: Special provisions shall be made in the design of buildings, including structural design, in regions where local experience shows loss of life or damage to buildings

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2710(b)(2) (continued)

resulting from hurricanes, tornadoes, or floods. (B-~~G~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2720 Mechanical Systems

a) General Mechanical System Requirements

- 1) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of these standards. ~~(G)~~
- 2) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, parts list with numbers and descriptions for each piece of equipment and a copy of the air-balance report. A complete set of these documents shall be kept on the premises. ~~(G)~~

- 3) The owner shall be provided with instructions in the operational use of the systems and equipment as required. ~~(G)~~

b) Thermal and Acoustical Insulation

- 1) Insulation shall be provided for the following:

- 2) Boilers, smoke breeching, and stacks. ~~(G)~~

- 3) Steam supply and condensate return piping. (B-~~G~~)

- 4) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters. ~~(G)~~

- 5) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents. (B)

- 6) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point. ~~(G)~~

- 7) Water supply and drainage piping on which condensate may occur. ~~(G)~~

- 8) Air ducts and casings with outside surface temperatures below

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2720(b)(8) (continued)

ambient dew point. ~~(G)~~

- 9) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system. ~~(G)~~

- 10) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive system heat loss or excessive heat gain. ~~(G)~~

- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of ~~twenty-five (25)~~ or less and a smoke developed rating of ~~one hundred fifty (150)~~ or less as determined by an independent testing laboratory in accordance with American Society Testing Materials Standard E84. (B-~~G~~) Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building, or do not penetrate a wall or roof or do not create an exposure hazard.

- 12) Access for filter changing shall be provided within equipment rooms. ~~(G)~~

- c) Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends. ~~(G)~~

- d) Heating, Cooling, and Ventilating Systems

- 1) A design temperature of 75 degrees Fahrenheit for both summer and winter design conditions shall be provided for all resident use areas including corridors. ~~(G)~~

- 2) All ventilation supply, return and exhaust systems shall be mechanically operated. ~~(G)~~

- 3) Outdoor air intakes shall be located as far as practical but not less than ~~fifteen (15)~~ feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems shall be located as high as practical but not less than six ~~(6)~~ feet above ground level, or if installed

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2720(d)(3) (continued)

above the roof, three ~~(3)~~ feet above roof level.

- 4) The ventilation systems shall be designed and balanced to provide the pressure relationships and ventilation rates as shown in Table D. (B-~~1-6~~)

- 5) A manometer shall be installed across each filter bed serving central air systems. ~~(C)~~

- 6) Air conditioning and ventilation systems shall be designed, installed and maintained as required by National Fire Protection Association Standard 90A. (A, B-~~1-6~~)

- 7) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall be in conformance with National Fire Protection Association Standard 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratories. (A, B-~~1-6~~)

- 8) The ventilation of the medical gas storage room ~~(A)~~ shall conform to the requirements of National Fire Protection Association Standard 56A "Inhalation Anesthetics" including the gravity option system. (B-~~1-6~~)

- 9) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures to 97 degrees Fahrenheit, Effective Temperature as defined by American Society Heating Refrigeration Engineers Handbook of Fundamentals. (A, B-~~1-6~~)

- 10) Rooms containing heat producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of ~~10~~ ten degrees Fahrenheit above the ambient temperature.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2730 Plumbing Systems

- a) ~~General~~ All plumbing systems shall be designed and installed in accordance with the requirements of the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890), except that the number of resident required water closets, lavatories, bathtubs, showers, and other fixtures shall be as required by the standards and the facility program. (B-~~1-6~~)

b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials.
 - 2) The water supply spout for lavatories and sinks required for filling pitchers for nursing staff and food handlers' handwashing, shall be mounted so that its discharge point is a minimum distance of five ~~(5)~~ inches above the rim of the fixture. (B-~~1-6~~)
 - 3) Handwashing lavatories used by nursing staff and food handlers, shall be trimmed with valves which can be operated without the use of hands. When blade handles are used for this purpose, the blade handles shall not exceed four and one half ~~(4 1/2)~~ inches in length, except the handles on clinical sinks shall not be less than six ~~(6)~~ inches in length. ~~(C)~~
 - 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface. ~~(C)~~
 - 5) The potwashing sink shall be a three ~~(3)~~ compartment sink with one compartment at least ~~fourteen (14)~~ inches deep. ~~(C)~~
 - 6) Shower bases and tub bottoms shall be provided with nonslip surfaces. (B-~~1-6~~)
- c) Water Supply Systems
- 1) Water supply systems shall be designed to supply water at sufficient pressure and volume to operate all fixtures and equipment during maximum demand periods. ~~(C)~~
 - 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTSDEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2730(c) (continued)

- 3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers. ~~(C)~~
- 4) Hot water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. ~~(B, C)~~
- 5) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. ~~(A, B, C)~~
- 6) Each hot water system serving resident areas shall include at least one of the following equipment requirements to insure that the water temperature does not exceed 110 degrees Fahrenheit:
 - A) A thermostatically controlled mixing valve, or ~~shall be provided on each hot water system serving resident areas to insure that the water temperature does not exceed 110 degrees F.~~
 - B) An aquastat which limits the water temperature in the water heater to a maximum temperature of 110 degrees Fahrenheit and a solenoid operated shut off valve activated by a sensing element in the water line which shuts off the water and activates an alarm at the nurses station when the water temperature exceeds 110 degrees Fahrenheit. ~~(A, B, C)~~

d) Hot Water Heaters and Tanks

- 1) The hot water heating equipment shall have sufficient capacity to supply water at the temperature and quantities in the following areas:

gallons/hour/bed Temperature (degrees Fahrenheit)	Resident	
	Service	Dietary
	6 1/2	4
	110	140*
		180

*180 degree Fahrenheit water is required at dishwasher and pot and pan sink. Water temperatures to be taken at the point of use or discharge of the hot water or inlet to processing equipment. ~~(C)~~

- 2) Water storage tanks shall be fabricated of corrosion resistant metal or lined with noncorrosive material. ~~(C)~~

Section 390.2730 (continued)

- e) Drainage Systems. Insofar as possible drainage piping shall not be installed above the ceiling nor installed in an exposed location in food preparation centers, food serving facilities, food storage areas, and other critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from necessary overhead piping systems. ~~(B, C)~~
- f) Nonflammable Gas System. Nonflammable medical gas systems if installed shall be in accordance with the requirements of National Fire Protection Association Standards 56A and 56F. ~~(B, C)~~
- g) Clinical Vacuum (Suction) Systems. Clinical vacuum systems if installed shall be in accordance with the requirements of the Compressed Gas Association Pamphlet P-2.1. ~~(B, C)~~
- h) Fire Extinguishing Systems
 - 1) A complete automatic sprinkler system shall be installed throughout all facilities regardless of construction type. ~~(A, B, C)~~
 - 2) All sprinkler and other fire extinguishing systems shall be designed and installed in accordance with National Fire Protection Association Standard 101 and referenced codes. ~~(A, B, C)~~
 - 3) All sprinkler systems shall be maintained in accordance with National Fire Protection Association Standard 13A. ~~(A, B, C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2740 Electrical Systems

a) General Electrical System Requirements

- 1) All material including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities required by these standards. All materials shall be listed as complying with available standards of Underwriters' Laboratories, Inc. or other similarly established standards. ~~(B, C)~~
- 2) All electrical installations and systems shall be tested to show

Section 390.2740(a)(2) (continued)

that the equipment is installed and operates as planned or specified and be in accordance with these standards. (A, B, ~~C~~)

- b) Switchboards and Power Panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboards and panelboards shall be enclosed or guarded to provide a dead-front type of assembly. The main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space free of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in ambient temperature conditions. ~~(C)~~

- c) Panelboards. Panelboards serving lighting and appliance circuits shall be located on the same floor as the circuits they serve. This requirement does not apply to emergency system circuits. ~~(C)~~

- d) Lighting

- 1) All spaces occupied by people, machinery, and equipment within buildings, approaches to and exits from buildings, and parking lots shall have lighting. ~~(C)~~

- 2) Resident's rooms shall have general lighting. There shall be lighting for the use of staff. At least one light fixture shall be switched at the entrance to each resident room. All switches for control of lighting in resident's sleeping areas shall be of the quiet operating type. ~~(C)~~

- e) Receptacles (Convenience Outlets)

- 1) Each resident bed room shall have duplex grounding type receptacles as follows: One located each side of the head of each bed, crib or bassinets; one for television if used; and one on another wall. (B, ~~C~~)
- 2) Resident bathrooms shall have at least one duplex receptacle.
- 3) See Article 517 of National Fire Protection Association Standard 70 for grounding requirements. ~~(C)~~
- 4) All receptacles shall be of the child safety type or shall be protected by ~~5~~ five milliampere ground fault interrupters.

Section 390.2740(e) (continued)

- 5) Duplex receptacles shall be installed approximately ~~50~~ 50 feet ~~(50'-0")~~ apart in all corridors and within ~~25~~ 25 ~~twenty-five~~ feet ~~(25'-0")~~ of ends of corridors. ~~(C)~~

- f) Door Alarm System. Each exterior door shall be equipped with a signal that will alert staff if a resident leaves the building. Any exterior door that is supervised during certain periods may have a disconnect device for part-time use. If there is constant ~~twenty-four~~ 24 hour a day supervision of the door, a signal is not required. (B, ~~C~~)

- g) Nurses' Calling System

- 1) Each resident room shall be served by at least one calling station to be used by staff to summon additional assistance. Call shall register at the nurses' station and shall activate a visible signal in the corridor at the resident's door and in the nurse's station. In multicorridor nursing units, additional visible signals shall be installed at corridor intersections. In rooms containing two or more calling stations, identifying lights shall be provided at the nurses' station. (B, ~~C~~)
- 2) An accessible nurses' call station shall be provided at each resident's watercloset, bath, and shower room or area. (B, ~~C~~)

- h) Fire Alarm System

- 1) A manually and automatically operated fire alarm system shall be installed. (A, B, ~~C~~)
- 2) Automatic smoke detectors shall be installed in all resident sleeping rooms and at ~~thirty~~ 30 feet on center in all corridors other than sleeping area corridors. (A, B, ~~C~~)
- 1) Emergency Electrical System
- 1) To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power. The emergency system shall consist of the life safety branch and the critical branch. (B, ~~C~~)
- 2) The source of this emergency electric service shall be an emergency generating set or an approved dual source of normal power. (B, ~~C~~)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2740(i) (continued)

- 3) Life Safety Branch, Automatic Transfer ten ~~(10)~~ Seconds.
- A) Illumination of means of egress as necessary for corridors, passageways, stairways, landings and exit doors, and all ways of approach to and through exits. (A, B, ~~C~~)
 - B) Exit signs and exit directional signs. (A, B, ~~C~~)
 - C) Sufficient lighting in dining room and recreation areas to provide illumination to exit ways. (A, B, ~~C~~)
 - D) Fire alarms activated at manual stations, by electric water flow alarm devices in connection with sprinkler systems, and by all automatic detection systems. (A, B, ~~C~~)
 - E) Communication systems, where these are used for issuing instructions during emergency conditions. (A, B, ~~C~~)
 - F) Task illumination and selected receptacles at the generator set location. (B, ~~C~~)
- 4) Critical Branch, Automatic Transfer Ten ~~(10)~~ Seconds
- A) Task illumination and selected receptacles in the nurse's station including the medication preparation area. (B, ~~C~~)
 - B) Sump pumps and other equipment required to operate for the safety of major apparatus including associated control systems and alarms. (B, ~~C~~)
 - C) Elevator cab lighting and communication systems. (B, ~~C~~)
 - D) Nurses' call system (B, ~~C~~)
 - 5) Critical Branch, Automatic or Manual Systems Heating equipment to provide heating for patient rooms. EXCEPTION: Where the facility is served by two ~~(2)~~ or more electrical services supplied from separate generators or a utility distribution network having multiple power input sources and arranged to provide mechanical and electrical separation so that a fault between the facility and the generating sources is not likely to cause an interruption of more than one of the facility service feeders. (B, ~~C~~)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2740(i) (continued)

6) Details

- A) The life safety and critical branch shall be in operation within ten ~~(10)~~ seconds after the interruption of normal electric power supply. (B, ~~C~~)
- B) Receptacles connected to emergency power shall be distinctively marked. (B, ~~C~~)
- C) Where fuel storage facilities are provided on the site, the fuel tank shall have minimum capacity for ~~twenty-four~~ ~~(24)~~ hour operation of the generator. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section 390.2910 Applicability

- a) ~~(1)~~ This Subpart N ~~these standards~~ shall apply to all existing Long-Term Care Facilities providing care to children at the time of promulgation of this Part and all minor alterations or remodeling changes to existing facilities. See Subpart M for New Construction and Major Additions and Alterations.
- b) ~~(2)~~ Minor alterations or remodeling changes which do not affect the structural integrity of the building, which do not change functional operations, which do not affect fire safety, and which do not add beds or facilities over those for which the Long-Term Care Facility is licensed need not be submitted for drawing approval. However, the Health Facilities Planning Board Requirements must be met for all alteration and remodeling projects. ~~(C)~~
- c) ~~(3)~~ All Long-Term Care Facilities having architectural drawings and specifications, or the building, first approved by the Department for licensure after October 1, 1974, must meet the applicable requirements of Subpart M to convert to a Long-Term Care Facility for persons under ~~twenty-two~~ ~~(22)~~ years of age. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2920 Codes and Standards

- a) Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances and regulations which are enforced by City, County or other local jurisdictions. (B-~~6~~-~~6~~-)
- b) The 1981 Edition of the National Fire Protection Association (NFPA) Standard No. 101, Life Safety Code for existing structures and all appropriate references under Appendix B of that Code, but no subsequently amended edition of the Code, shall apply to and become a part of these standards. (A, B-~~6~~-~~6~~-)
- c) Pursuant to the Medicare/Medicaid certification requirements of 42 CFR 405.1134(a) (1983), but no subsequently amended editions of these Federal regulations, any skilled nursing facility that on December 4, 1980, or on November 26, 1982, or any intermediate care facility that on November 26, 1982, complied with the requirements of the 1967 or 1973 edition of the Life Safety Code, rather than the 1981 edition of the Life Safety Code, will be accepted by the Department for licensure and certification as long as the facility continues to remain in compliance with the 1967 or 1973 edition of the Code.
- d) The following exceptions to the 1967 Life Safety Code have been established by the Department:

- 1) Facilities shall be of the heights and construction types with sprinkler requirements identified in Table E. (B-~~6~~-~~6~~-)
- 2) Dead-end corridors greater than ~~fifty~~ ~~(50)~~ feet in length shall be altered so that exits are accessible in at least two ~~(2)~~ directions from all points in aisles, passageways, and corridors. (B-~~6~~-~~6~~-)
- 3) Exit discharge doors and resident sleeping doors must be at least ~~thirty-four~~ ~~(34)~~ inches in width. Width required is the width of the door leaf. ~~(6)~~
- 4) All corridors shall have a minimum wall to wall width of six ~~(6)~~ feet. ~~(6)~~
- e) The following equivalencies have been established by the Department: Where corridor partition walls are not continuous from the floor slab to the underside of the floor or roof slab above, through any concealed spaces such as those above the suspended ceilings and through interstitial structural and mechanical spaces, the following equivalencies are permitted: (B-~~6~~-~~6~~-)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2920(e) (continued)

- 1) A membrane ceiling which may be lath and plaster or drywall or a lay-in ceiling with all tiles clipped down and with all clips remaining in place, or with all the tiles weighing at least one ~~(1)~~ pound per square foot. The ceiling may be suspended but it must be constructed continually from exterior wall to exterior wall and must be part of a ~~(1)~~ one-hour rated ceiling assembly. All recessed lights, all duct outlets and all speaker outlets ~~etc.~~ must be properly protected in accordance with Code. Plenums are not allowed unless each outlet is properly protected. This concept is applicable only to ~~2~~ two-hour fire resistive and ~~1~~ one-hour protected noncombustible construction.
- 2) A membrane ceiling of at least a one ~~(1)~~ hour rating (such as two layers of ~~5/8~~ five-eighths inch Fire Code drywall) is acceptable for noncombustible, one ~~(1)~~ hour protected ordinary, ordinary, one ~~(1)~~ hour protected wood frame, woodframe and heavy timber construction.
- 3) Corridor walls need not run up in ~~2~~ two-hour fire resistive and ~~1~~ one-hour protected noncombustible construction if automatic sprinklers are installed throughout.
- 4) Smoke detectors may be used in lieu of continuous corridor wall construction all building construction types which are equipped throughout with an automatic extinguishment system required by these Standards. Automatic heat detectors, in lieu of automatic smoke detectors, may be installed in kitchens, laundry rooms, boiler/furnace rooms and attic spaces.
- f) The following ~~rules~~ ~~codes~~ which were effective at the date of approval by the Department of the final drawings and specifications or the final inspection of the building apply: (B-~~6~~-~~6~~-)
 - 1) Illinois Plumbing Code (77 Ill. Adm. Code 890) ~~1~~ ~~State of~~ ~~Illinois~~ Department of Public Health
 - 2) Illinois Accessibility Code ~~Standards~~ ~~illustrated~~ (71 Ill. Adm. Code 400) ~~1~~ ~~State of~~ ~~Illinois~~ Capital Development Board
 - 3) Fire Prevention and Safety (41 Ill. Adm. Code 100) ~~1~~ ~~State of~~ ~~Illinois~~ Office of the State Fire Marshal
 - 4) Food Service Sanitation (77 Ill. Adm. Code 750) ~~1~~ ~~State of~~ ~~Illinois~~ Department of Public Health

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2920(f) (continued)

- 5) ~~Boiler and Pressure Vessel Safety Act and~~ Boiler and Pressure Vessel Safety ~~Rules and Regulations~~ (41 Ill. Adm. Code 120), ~~State of Illinois~~ Office of the State Fire Marshal

~~6) Safety Glazing Materials Act, (Ill. Rev. Stat. 1985, ch. 111, par. 3-101 et seq.) State of Illinois Department of Labor~~

- g) ~~7) The requirements of this Subpart These Illinois Department of Public Health (IDPH) Standards govern in cases of differences between this Subpart these IDPH Standards and the Codes and Standards listed in this Section before. (B, C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2930 Preparation of Drawings and Specifications

Drawings and specifications prepared for work which is required by these Standards shall be prepared in accordance with Section 390.2630 ~~of the Construction Standards for New Facilities. (C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2940 Site

- a) Each facility shall comply with all applicable zoning ordinances and be located on a reasonably flat or rolling, well-drained site that is: not subject to flooding; reasonably free from sources of excessive noise, noxious or hazardous smoke or fumes; not in a deteriorated, unpleasant, or potentially hazardous area; and not near uncontrolled sources of insect and rodent breeding. ~~(C)~~

- b) Each facility shall be located in or near a community which can provide the necessary supportive services for the facility such as physicians' services, social services, transportation, recreation, religious services, medical facilities, public utilities, or other acceptable substitutes; and be located on a well-maintained, all-weather road. In those instances where the community does not provide these services, the facility shall do so. ~~(C)~~

- c) Each facility shall be served by a potable water supply with water pressure and volume that is acceptable to this Department. (B)

- d) Each facility shall have at least one ~~(1)~~ municipal or private

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2940(d) (continued)

fire hydrant, located within ~~three hundred (300)~~ feet of the building and satisfactory for use by the equipment of the fire department serving the building, or have an acceptable equivalent. Additional hydrants may be required if needed to properly protect the residents from fire hazards. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2950 Administration and Public Areas

- a) Facilities for the physically handicapped (public, staff and residents) shall be provided in administration and public areas as well as in resident areas. ~~(C)~~

- b) Each facility shall be provided with sufficient administrative office space for clerical, financial, and managerial functions and provide satisfactory space which can be used for privacy in interviewing applicants, for discussion with relatives and other related uses ~~etc.~~

- c) Each facility shall be provided with satisfactory space or an office for the administrator.

- d) Each facility shall be served by reliable telephone service.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2960 Nursing Unit

- a) General Requirements for Bedrooms

- 1) Resident bedrooms shall have an entrance directly off of a corridor with an entrance door that swings into the room. ~~(C)~~

- 2) Provide a closet or wardrobe of at least four ~~(4)~~ square feet for each resident. ~~(C)~~

- 3) No bedroom floor shall be more than three ~~(3)~~ feet below the adjacent ground level. ~~(C)~~

- 4) Each room used as a resident bedroom shall have at least one ~~(1)~~ outside window with a total window area equal to one-tenth ~~(1/10)~~ the floor area of the room. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2960(a) (continued)

- 5) There shall be separate bedrooms for males and females over six ~~(6)~~ years of age unless the interdisciplinary team determines that separation is not necessary due to the functional level of individual residents. ~~(6)~~
- 6) A handwashing lavatory shall be provided in each bedroom.
- 7) Resident bedrooms shall have adequate and satisfactory artificial light and be equipped in accordance with Section 390.3040(c). ~~(6)~~
- 8) Receptacles shall be provided in accordance with Section 390.3040(d). ~~(6)~~
- 9) Nurses' call system shall be provided in accordance with Section 390.3040(e). ~~(B, G)~~
- 10) Visual privacy shall be provided for residents in multibed rooms in accordance with Section 390.2220(a)(4). Location of screen or curtain shall not restrict resident access to entry, lavatory, or toilet. ~~(6)~~
- 11) Resident toilet rooms shall open directly into a corridor or into a resident's bedroom.

b) Resident Bedrooms

- 1) Each single resident bedroom used for a resident shall have at least ~~one hundred (100)~~ square feet of usable net floor area, not including any space taken up for closets, wardrobes, bathrooms, and clearly definable entryway areas. ~~(6)~~
- 2) Each multiple bedroom for residents shall have the following floor areas; exclusive of closets, wardrobes, clearly definable entryways:
 - A) Not less than ~~Seventy-five (75)~~ square feet per bed. Size: ~~38"-40"~~ x ~~75"-84"~~.
 - B) Not less than ~~Sixty-five (65)~~ square feet per small bed. Size: ~~37"~~ to less than ~~38"~~ x ~~61"~~ to less than ~~75"~~.
 - C) Not less than ~~Sixty (60)~~ square feet per large crib. Size: ~~30"~~ to less than ~~37"~~ x ~~56"~~ to less than ~~61"~~.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2960(b)(2) (continued)

- D) Not less than ~~Forty-five (45)~~ square feet per medium crib. Size: ~~27"~~ to less than ~~30"~~ x ~~43"~~ to less than ~~56"~~.
- E) Not less than ~~Forty (40)~~ square feet per small crib. Size: ~~19"~~ to less than ~~27"~~ x ~~35"~~ to less than ~~43"~~.
- F) Not less than ~~Twenty-four (24)~~ square feet per bassinets. Size: ~~Smaller than 19"~~ x ~~35"~~.
- 3) All sleeping accommodations shall be adequate in size considering the resident's age, size, mobility, and functional level.
- 4) Multiple bedrooms shall not have more than eight ~~(8)~~ residents.
- 5) Provide a minimum clearance of three ~~(3)~~ feet at the foot and one side of all sleeping accommodations. Clearance is not required when accommodation is not occupied, however, an exit path must always be maintained in accordance with the requirements of the National Fire Protection Association's Standard No. 101: Life Safety Code.
- 6) The minimum dimension of bedrooms shall be nine ~~(9)~~ feet between walls or a wall with any built-in furniture or storage space.
- c) Special Care Room
 - 1) Provide one ~~(1)~~ special care room per facility complying with bedroom requirements subsections (a) and (b) of this Section ~~above~~.
 - 2) Additional rooms may be required depending upon the bed capacity of the facility.
 - 3) Provide a minimum of one ~~(1)~~ workroom adjacent to or between each special care room containing lavatories, water closets or clinical rim flush sinks and all the equipment necessary to maintain a safe standard of special care.
 - 4) This room shall be located to provide proper and efficient supervision of the resident by the nursing staff. ~~(6)~~
 - 5) When more than one ~~(1)~~ resident is housed in this room, it

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2960(c)(5) (continued)

may only be used to isolate residents with the same communicable disease.

6) This room shall be included in the authorized maximum bed capacity for the facility.

7) It is permissible for the room to be occupied by a resident not in need of special care, provided the resident is clearly informed and understands ~~he/she~~ they will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care. ~~(C)~~

d) Nurses' Station

1) Provide a minimum of one ~~(1)~~ nurses' station for each nursing unit. The station shall have direct access to a corridor, shall be located near the area it will serve, and shall be designed to provide visual control of the area. It shall be separated satisfactorily from the nurses' utility rooms. ~~(B, C)~~

2) Each nurses' station shall have a medicine sink with hot and cold running water, a work counter, a medicine cabinet, and necessary equipment and furnishings. ~~(C)~~

3) Provide a nurses' toilet with handwashing sink convenient to the nurses' station. ~~(C)~~

e) Bathing and Toilet Rooms

1) The minimum number of fixtures per resident use floor shall be one ~~(1)~~ lavatory, one ~~(1)~~ water closet, and one ~~(1)~~ bathing fixture.

2) Additional fixtures shall be provided on each floor based on the maximum capacity of beds, cribs or bassinets (even though some may not be occupied), as follows:

- A) Lavatories: One ~~(1)~~ per eight ~~(8)~~.
- B) Clinical rim flush sink ~~and/or~~ or water closet for residents capable of using them: One ~~(1)~~ per eight ~~(8)~~.
- C) Bathing or shower fixtures: One ~~(1)~~ per twelve ~~(12)~~.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2960(e) (continued)

3) Provide on each floor at least one ~~(1)~~ bathing facility or enclosure of not less than eight ~~(8)~~ feet six ~~(6)~~ inches by eight ~~(8)~~ feet six ~~(6)~~ inches with an acceptable system for bathing residents with physical disabilities.

4) If a shower is installed instead of a bathtub, such shower shall have a minimum dimension of four ~~(4)~~ feet wide by three ~~(3)~~ feet six ~~(6)~~ inches deep. These showers shall have a water inlet to which is connected a flexible hose with spray or shower head attached to the end of the hose. If desired, a conventional shower head installation may also be provided but it must be valved off from the lower water inlet. ~~(C)~~

5) ~~Shower stalls shall have a low or no curb at the entrance opening. Under certain circumstances this may be waived but in no instances can the curb be higher than three (3) inches. (C)~~

6) Other acceptable fixtures for bathing the residents may be provided with Department approval.

7) All plumbing fixtures shall be designed and installed to satisfactorily serve the residents using them.

8) There shall be separate toilet and bathing areas on each floor for males and females over six ~~(6)~~ years of age unless the interdisciplinary team determines that separation is not necessary due to the functional level of individual residents. ~~(C)~~

9) If toilet rooms provided adjacent to bedrooms are not large enough to permit use by wheelchairs, at least one ~~(1)~~ toilet room or enclosure measuring five ~~(5)~~ feet by six ~~(6)~~ feet shall be provided on each floor housing residents. Provide a lavatory usable from a wheelchair in this room. ~~(C)~~

10) All bath and toilet rooms shall be easily accessible and conveniently located. Group bath and toilet facilities shall be partitioned or curtained for privacy. ~~(C)~~

f) Utility Rooms

1) Every facility shall have clean and soiled utility functions in separate rooms on each floor having resident beds, cribs or bassinets. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2960(f) (continued)

2) Clean Utility Room

- A) The clean utility room shall be large enough to contain:
- i) a work counter or table;
 - ii) a sink with drainboard;
 - iii) ample storage cabinets for clean and sterile supplies and equipment; and
 - iv) an autoclave, if required, for sterilizing needles, syringes, catheters, dressings, and similar items.
- B) The autoclave may be located in the nurses' station area. The autoclave may be waived in lieu of other methods of sterilization approved by the Department. ~~(c)~~
- 3) The soiled utility room shall be large enough to contain:
- A) a two compartment sink with drainboards;
 - B) ample storage cabinets;
 - C) a clinical rim flush sink for: rinsing bed pans, urinals, and linen soiled by solid materials, and similar type procedures; and
 - D) equipment for sanitizing bed pans, emesis basins, urine bottles, and other utensils, which meets accepted methods and procedures for such sanitation.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)Section 390.2970 Play, Dining, Activity/Program Rooms ~~(c)~~

a) General Requirements for Play, Dining, Activity and Program Areas

- 1) The combined area of these rooms shall not be less than ~~twenty~~ ~~(20)~~ square feet per resident beds, cribs or bassinets. ~~(c)~~
- 2) The activity/program room ~~(c)~~ ~~and/or~~ may be combined with the playroom ~~(c)~~ or dining room.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2970(a) (continued)

- 3) These ~~locate these~~ rooms shall be located so that they are not an entrance vestibule from the outside. ~~(c)~~
 - 4) All furniture shall be arranged so that it is not an obstruction to traffic in or out of the facility. ~~(c)~~
 - 5) Playing and feeding functions, if suitable and consistent with the programs may occur in bedrooms. However, dining rooms, playrooms, and activity rooms may not be used for resident bedrooms. ~~(c)~~
- b) Dining
- 1) Provide at least one ~~(1)~~ furnished dining room in the facility sufficient in area to allow proper and comfortable service for the residents.
 - 2) A dining room may not be necessary if sufficient space is available for individual feeding of residents when required due to the functional level of the individual residents as determined by the interdisciplinary team.

c) Play

- 1) Playroom shall be provided on each floor in multiple story buildings unless a variance to this requirement is approved in writing by the Department. Such a variance may be granted based upon the population and condition of the residents.
- 2) This room shall have adequate space to permit residents to run.
- 3) There shall be satisfactory outdoor play area and equipment to meet the needs of all residents who can be taken outdoors.

- d) Activity/Program. Additional interior rooms may be used for television, craft, or similar activities.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.2980 Treatment and Personal Care

Space and appropriate equipment shall be provided to meet the resident's needs for treatment, grooming and hair care. ~~(c)~~

(Source: Amended at 13 Ill. Reg. ~~6301~~, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2990 Service Department

a) Kitchen

- 1) Provide a kitchen area, not including food storage area, of approximately ten ~~(40)~~ square feet per resident bed; this may be reduced for a facility with ~~forty~~ ~~(40)~~ or more beds. Any deviation from this requirement must receive approval from the Department. Such approval will only be granted if it can be shown that sufficient space can be provided to meet the needs of the residents. (B-~~6~~)
- 2) Provide kitchen equipment in an arrangement for convenient operation, good sanitation, healthful working conditions and control of heat, noise, and odors. (B-~~6~~)
- 3) Provide appropriate equipment for the preparation and serving of meals. (B-~~6~~)
- 4) Provide refrigeration of perishable foods. (B-~~6~~)
- 5) The kitchen shall be equipped with a two ~~(2)~~ compartment sink for washing and sanitizing dishes, pots, pans and utensils. (B-~~6~~) A commercial type dishwasher is recommended.
- 6) The kitchen shall be provided with a handwashing lavatory. (B-~~6~~)
- 7) The walls and ceilings of all food handling rooms shall be finished with smooth, washable, light-colored surfaces. ~~(6)~~
- 8) All openings to the outside shall be effectively screened during fly seasons, and screen doors shall be equipped with self-closing devices; or a satisfactory alternative method. ~~(6)~~
- 9) The kitchen shall be located so that no resident must pass through it to reach a bathroom, resident's bedroom, the living room, dining room, or the out-of-doors. (B-~~6~~)
- 10) Provide approximately two and one-half ~~(2 1/2)~~ square feet per patient bed for bulk and daily food storage located in a room convenient to the kitchen. ~~(6)~~

b) Formula Area

- 1) If commercially prepared formulas are used, there shall be clean

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.2990(b)(1) (continued)

storage and dispensing areas provided.

- 2) If the facility is preparing its own formula, the formula area shall contain elbow, foot or knee controlled lavatory, a sink, refrigerator, and an autoclave or other approved system for terminal sterilization. Additional equipment and utensils necessary for carrying on proper techniques in formula preparation and storage shall be provided.
 - 3) The facility shall be a separated room or provide an appropriate area for bottle and nipple washing and cleaning, equipped as necessary to carry out proper technique.
- c) Laundry
- 1) Provide a laundry room equipped with adequate facilities for satisfactorily doing all laundering, unless a commercial laundry service is used. ~~(6)~~
 - 2) Provide satisfactory and separate areas for soiled holding and sorting and clean linen storage. These may be in the same room if well defined and adequate separation is provided. ~~(6)~~
 - 3) The laundry facilities shall not be located in a room used by residents, or for food storage, preparation or serving. It shall be located so that soiled linens are not carried through a food handling area to reach it. (B-~~6~~)
- d) Storage
- 1) Provide a total area of approximately seven and one-half ~~(7 1/2)~~ square feet per resident bed for the storage area required in this Section. ~~(6)~~
 - 2) Provide adequate storage space for personal possessions of residents and staff, toys, linens, supplies, and other items. This storage shall be such that it does not constitute a fire or accident hazard and will not be in the way of residents or staff. ~~(6)~~
 - 3) Provide adequate storage space in the facility, out of the way of residents and staff, to store wheelchairs, walkers, and similar equipment temporarily not being used. ~~(6)~~
 - 4) Provide closets for cleaning supplies, janitor's sinks, linen

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.2990(d)(4) (continued)

closets, storerooms for luggage, and furniture replacements—
etc. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989).

Section 390.3000 General Building Requirements ~~Building General~~

a) Elevators

- 1) Provide a minimum of one ~~(1)~~ elevator in all buildings of three ~~(3)~~ or more stories in height. Additional elevators shall be provided as determined by the Department, based on the number, population, and condition of the residents. The lowest level, if it is used by residents, shall be considered as one ~~(1)~~ story. ~~(C)~~
- 2) If ~~sixty (60)~~ to ~~two hundred (200)~~ beds, cribs and bassinets are located above the second floor, at least one ~~(1)~~ additional elevator shall be provided. If over ~~two hundred (200)~~ beds, cribs and bassinets are located above the second floor, the number of additional elevators shall be determined by the Department. ~~(C)~~
- 3) The administrator of the facility must be able to demonstrate to the Department the ability to transfer a resident according to physician's orders using existing elevators and elevator doors. ~~(C)~~

b) Handrails and Grab Bars

- 1) Handrails shall be provided on both sides of all corridors, stairs, and ramps. Handrails shall be one and one-half ~~(1 1/2)~~ inches in diameter and one and one-half ~~(1 1/2)~~ inches minimum clear of the wall. Refer to ~~State of~~ the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400) ~~Standards~~ for other acceptable handrail dimensions and details. (B—~~C~~)
- 2) Grab bars shall be provided at all resident toilets, showers, tubs, and sitz bath—etc. Refer to ~~State of~~ the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400) ~~Standards~~ for grab bar dimensions and details. (B—~~C~~)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3000(b) (continued)

- 3) Handrails and grab bars shall be installed at a height to meet the special needs of the residents of each facility. (B—~~C~~)

c) Ceiling Heights

- 1) All rooms occupied by or used by residents shall have not less than eight ~~(8)~~ feet ceiling height. ~~(C)~~
- 2) Corridors, storage rooms, toilet rooms and other minor rooms shall have not less than seven feet eight inches ~~(7' 8")~~ ceiling height. ~~(C)~~
- 3) Suspended tracks, rails and pipes located in the path of traffic shall not be less than six feet eight inches ~~(6' 8")~~ above the floor. ~~(C)~~

d) Doors and Windows

- 1) Main entrance and exit doors shall swing outward and be provided with door closers and panic-hardware. (B—~~C~~)
- 2) Door Alarm System. See Section 390.3040(f).
- 3) Locks installed on resident bedroom doors shall be so arranged that they can be quickly and easily unlocked from the corridor side. All such locks shall be arranged to permit exit from the room by a simple operation without the use of a key. The door may be lockable by the occupant if the door can be unlocked from the corridor side and the keys are carried by the attendants at all times. (B—~~C~~)
- 4) The doors for the toilet rooms used by residents shall have a minimum door width of ~~thirty (30)~~ inches. (B—~~C~~)
- 5) No toilet or bathroom door shall be provided with hardware which could allow a resident to become locked in the room. All toilet or bathroom doors and hardware shall be designed to permit emergency egress from the room. (B—~~C~~)
- 6) Thresholds or parting strips in doorways used by residents shall be in accordance with ~~the State of~~ the rules of the Capital Development Board entitled "Illinois Accessibility ~~Standards~~ Code" (71 Ill. Adm. Code 400). ~~(C)~~
- 7) Doors and windows shall fit snugly and be weather tight, and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3000(d)(7) (continued)

shall open and close easily. ~~(C)~~

- 8) Outside doors, other than required exits, and operable windows shall be equipped with tight-fitting, 16-mesh screens. Screen doors shall be equipped with self-closing devices. ~~(C)~~

e) Floors

- 1) Floors shall be smooth, free from cracks and finished so that they can be easily and properly cleaned. ~~(B, C)~~
- 2) Floors in bathrooms, kitchens, and utility rooms shall be completely covered with water resistant material. ~~(B, C)~~

f) Walls and Ceilings

- 1) Walls and ceilings shall have sound construction, covered with plaster or sheet rock or similar material in good repair, and free from cracks or holes to permit proper cleaning. ~~(C)~~
- 2) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other vermin. ~~(C)~~

- g) Exit corridor walls shall be one ~~(1)~~ hour fire rated construction. Adjoining open spaces shall not be greater than ~~100~~ ~~600~~ square feet. Provide direct visual supervision of these open spaces and equip them with an electrically supervised smoke detection system. ~~(B, C)~~

- h) There shall be at least one ~~(1)~~ approved fire extinguisher in all basements, furnace rooms, and kitchens. In addition, there shall be on each floor of the building extinguishers located so a person will not have to travel more than ~~fifty~~ ~~50~~ feet from any point to reach one. They shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher. ~~(B, C)~~

- i) Approved containers with proper covers shall be provided for daily storage of rubbish. ~~(B, C)~~

- j) Housekeeping throughout the building, including basements, attics, and unoccupied rooms shall be adequately performed to minimize all fire hazards. ~~(B, C)~~

- k) Comply with any reasonable additional fire protection measures

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3000(k) (continued)

recommended by the Department over and above these requirements or the Office ~~office~~ of the State Fire Marshal ~~Marshall~~ if conditions in and around building, including its location, indicate that such additional protection is needed. ~~(B, C)~~

- 1) Facilities shall have no other business in the building which is unrelated to health care that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and must be approved by the Department. Such approval will be granted only when it can be shown that the business will not interfere in any way with the residents. ~~(A, B, C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.3010 Structural

- a) Buildings and all parts thereof shall be maintained structurally to support all dead, live and lateral loads. ~~(B, C)~~

- b) Buildings shall be maintained in good repair. Buildings that show signs of distress shall be repaired immediately. ~~(B, C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.3020 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment must be available at the facility. ~~(B, C)~~

- b) Thermal and Acoustical Insulation. It is recommended that insulation be provided for the following:

- 1) Boilers, smoke breeching, and stacks.
- 2) Steam supply and condensate return piping.
- 3) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
- 4) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.3020(b) (continued)

- 5) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
- 6) Water supply and drainage piping on which condensation may occur.
- 7) Air ducts and casings with outside surface temperature below ambient dew point.
- 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- 9) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive systems heat loss or excessive heat gain.
- 10) Insulation on cold surfaces shall include an exterior vapor barrier. ~~(C)~~
- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with ASTM Standard E 84. Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building or do not penetrate a wall or roof or do not create an exposure hazard. ~~(C)~~
- c) It is recommended that supply and return mains and risers for cooling, heating and process steam systems be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends. ~~(C)~~
- d) Heating, Cooling, and Ventilating Systems
 - 1) The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces. ~~(C)~~
 - 2) Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system. Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted. ~~(B, C)~~
 - 3) All ventilation supply return and exhaust systems shall be

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.3020(d)(3) (continued)

- mechanically operated. ~~(C)~~
- 4) The kitchen shall be provided with ventilation for reasonable comfort and with sufficient make-up air for the rangehood exhaust. ~~(B, C)~~
- 5) The laundry shall be provided with ventilation for reasonable comfort with air flowing from clean areas to soiled areas with exhaust to the outdoors. ~~(B, C)~~
- 6) It is recommended that outdoor air intakes be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems should be located as high as practical but not less than ~~6~~ six feet above ground level, or if installed above the roof, ~~3~~ three feet above roof level. ~~(C)~~
- 7) Air conditioning and ventilating systems shall be maintained to conform to the requirements of NFPA 90A. ~~(A, B, C)~~
- 8) The hood and duct system for cooking equipment shall be in conformance with NFPA 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratory. ~~(A, B, C)~~
- 9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates. ~~(A, B, C)~~
- 10) A capability shall be provided to maintain a temperature of at least ~~fifty-five~~ ~~(55)~~ degrees Fahrenheit for at least ~~twelve~~ ~~(12)~~ hours when the normal source of electrical power is interrupted. ~~(A, B, C)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.3030 Plumbing Systems

a) General Requirements for Plumbing Systems

- 1) All plumbing systems shall be designed and installed in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3030(a)(1) (continued)

accordance with the requirements of the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) except that the number of water closets, lavatories, bath tubs, showers and other fixtures shall be as required by these requirements and the facility program. (B-~~G~~)

- 2) New and replacement equipment, fixtures and fittings for mechanical, plumbing and electrical systems shall conform to and be installed in accordance with Subpart M of this Part.

b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of nonabsorptive acid-resistant materials and shall be kept in good repair. ~~(G)~~

- 2) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface. ~~(G)~~

- 3) The kitchen shall be equipped with a two ~~(2)~~ compartment sink for washing pots and pans. One ~~(1)~~ compartment shall contain no less than ~~fourteen~~ ~~(14)~~ inches depth of 170 degrees Fahrenheit water. A commercial type dishwasher is recommended. ~~(G)~~

- 4) When existing showers or tubs are replaced or additional showers or tubs provided, the shower bases and tub bottoms shall be provided with nonslip surfaces.

c) Water Supply Systems

- 1) Water supply systems shall be designed to supply potable water at sufficient pressure and volume to operate all plumbing fixtures and equipment during maximum demand periods. ~~(G)~~

- 2) It is recommended that each water service main, branch main, riser and branch to a group of fixtures be valved. Stop valves should be provided at each fixture.

- 3) Hot water distribution systems shall be arranged to provide hot water at each hot water outlet at all times.

- 4) Hot water available to residents at shower bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B-~~G~~)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3030(c) (continued)

- 5) Protective measures, such as but not limited to, installation of a mixing valve, limited access to controls, and checking water temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B-~~G~~)

- d) Special precautions shall be taken to protect food preparation, serving or storage areas from possible leakage or condensation from necessary overhead piping systems. (B-~~G~~)

- e) All fire extinguishment systems shall be designed and installed in accordance with NFPA 101 and NFPA 13. All fire extinguishment systems shall be maintained in accordance with NFPA 13A. (A, B-~~G~~)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.3040 Electrical Requirements

- a) The electrical installation for existing facilities shall continue to meet all the requirements of the National Electrical Code, effective at the time of approval by the Department of final drawings and specification or the inspection of the building. (A, B-~~G~~)

- b) Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboards and panelboards shall be enclosed or guarded to provide a dead-front type of assembly. Overload protective devices shall be suitable for operating properly in ambient temperature conditions. ~~(G)~~

c) Lighting.

- 1) All spaces occupied by people, machinery, or equipment within buildings, approaches to buildings, and parking lots shall have lighting. ~~(G)~~

- 2) Resident's rooms shall have general lighting. ~~(G)~~

d) Receptacles

- 1) Each resident room shall have adequate duplex type receptacles.
- 2) All receptacles shall be of the child safety type, or protected by covers. ~~(G)~~

NOTICE OF ADOPTED AMENDMENTS

6533

89

Section 390.3040 (continued)

e) Nurses' Calling System.

- 1) Each resident room shall be served by at least one calling station to be used by staff to summon additional assistance. Call shall register at the nurses' station and shall activate a visible signal in the corridor at the resident's door.
- 2) Facilities with an intercommunication system which provides only voice communication between a resident room and the nurses' station may remain in service when approved by the Department.
- 3) An accessible nurses' call station shall be provided at each resident's water closet, bathing and shower room or area.
- f) Door Alarm System. All exterior doors shall be equipped with a signal that will alert the staff if a resident leaves the building. Any exterior door that is supervised during certain periods may have a disconnect device for part-time use. If there is constant ~~twenty-four~~ ~~(24)~~ hour a day supervision of the door, a signal is not required. (B-~~6~~-)

g) Fire Alarm System

- 1) A manually-operated, electrically-supervised fire alarm system shall be installed. Pre-signal systems are not permitted. (A, B-~~6~~-)
- 2) There shall be an approved fire detection and alarm system throughout the facility. (A, B-~~6~~-)
- 3) The fire alarm signals shall automatically transmit the alarm to any available municipal fire department by direct private line or through an approved central station. (A, B-~~6~~-)
- 4) Fire alarms shall be activated by manual stations and all detection systems and flow alarm devices and sprinkler systems. (A, B-~~6~~-)
- h) Emergency Electrical Requirements (B-~~6~~-)
 - 1) To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power. (B-~~6~~-)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3040(h) (continued)

- 2) The source of this emergency electrical service shall be one of the following: (B-~~6~~-)
 - A) An emergency generating set when the normal service is supplied by only one ~~(1)~~ central station transmission line.
 - B) Automatic battery operated systems or equipment that will be effective for four ~~(4)~~ or more hours and will be capable of supplying power for lighting for exit signs, exit corridors, stairways, nurses' stations, communication system, and all alarm systems, including the nurses' call system.
 - C) An approved dual source of normal power. Such a dual source of normal power shall consist of two ~~(2)~~ or more electrical services fed from separate generator sets or a utility distribution network having multiple power input sources and arranged to provide mechanical and electrical separation so that a fault between the facility and the generating sources will not likely cause an interruption of more than one of the facility service feeders. An automatic transfer switch is required between the facility service feeders.
- 3) Provide emergency electrical service for: (B-~~6~~-)
 - A) illumination of means of egress as necessary for corridors, passageways, stairways, landings and exit doors and all ways of approach to and through exits including outside lights,
 - B) exit signs and exit directional signs,
 - C) fire alarm systems and detection systems,
 - D) communication systems which are used for issuing instructions,
 - E) task illumination in the nurses station.
 - F) nurse call system

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

SUBPART O: RESIDENT'S RIGHTS

Section 390.3210 General

- a) NO RESIDENT SHALL BE DEPRIVED OF ANY RIGHTS, BENEFITS, OR PRIVILEGES GUARANTEED BY LAW, THE CONSTITUTION OF THE STATE OF ILLINOIS, OR THE CONSTITUTION OF THE UNITED STATES SOLELY ON ACCOUNT OF HIS STATUS AS A RESIDENT OF A FACILITY. (A, B, ~~G~~) (Section 2-101 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-101)~~
- b) A RESIDENT SHALL BE PERMITTED TO RETAIN AND USE OR WEAR HIS PERSONAL PROPERTY IN HIS IMMEDIATE LIVING QUARTERS, UNLESS DEEMED MEDICALLY INAPPROPRIATE BY A PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD. ~~(G)~~ (Section 2-103 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-103)~~
- c) IF CLOTHING IS PROVIDED TO THE RESIDENT BY THE FACILITY IT SHALL BE OF A PROPER FIT. ~~(G)~~ (Section 2-103 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-103)~~
- d) THE FACILITY SHALL PROVIDE ADEQUATE AND CONVENIENT STORAGE SPACE FOR THE PERSONAL PROPERTY OF THE RESIDENT. ~~(G)~~ (Section 2-103 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-103)~~
- e) THE FACILITY SHALL PROVIDE A MEANS OF SAFEGUARDING SMALL ITEMS OF VALUE FOR ITS RESIDENTS IN THEIR ROOMS OR IN ANY OTHER PART OF THE FACILITY SO LONG AS THE RESIDENTS HAVE DAILY ACCESS TO SUCH VALUABLES. ~~(G)~~ (Section 2-103 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-103)~~
- f) THE FACILITY SHALL DEVELOP PROCEDURES FOR INVESTIGATING COMPLAINTS CONCERNING THEFT OF RESIDENT'S PROPERTY AND SHALL PROMPTLY INVESTIGATE ALL SUCH COMPLAINTS. ~~(G)~~ (Section 2-103 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-103)~~
- g) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT MARRIED RESIDENTS RESIDING IN THE SAME FACILITY BE ALLOWED TO RESIDE IN THE SAME ROOM WITHIN THE FACILITY UNLESS THERE IS NO ROOM AVAILABLE IN THE FACILITY OR IT IS DEEMED MEDICALLY INADVISABLE BY THE RESIDENT'S ATTENDING PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S MEDICAL RECORDS. ~~(G)~~ (Section 2-108(e) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-108(e))~~
- h) There shall be no traffic through a resident's room to reach any other area of the building. (B, ~~G~~)
- i) Children under ~~sixteen~~ ~~(16)~~ years of age who are related to

Section 390.3210(1) (continued)

- employees or owners of a facility, and who are not themselves employees of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity. ~~(G)~~
- j) A RESIDENT MAY REFUSE TO PERFORM LABOR FOR A FACILITY. ~~(G)~~ (Section 2-113 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-113)~~
- k) A RESIDENT SHALL BE PERMITTED THE FREE EXERCISE OF RELIGION. UPON A RESIDENT'S REQUEST, AND IF NECESSARY AT HIS EXPENSE, THE FACILITY ADMINISTRATOR SHALL MAKE ARRANGEMENTS FOR A RESIDENT'S ATTENDANCE AT RELIGIOUS SERVICES OF THE RESIDENT'S CHOICE. HOWEVER, NO RELIGIOUS BELIEFS OR PRACTICES, OR ATTENDANCE AT RELIGIOUS SERVICES, MAY BE IMPOSED UPON ANY RESIDENT. ~~(G)~~ (Section 2-109 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-109)~~
- l) All facilities shall comply with ~~the~~ The Election Code ~~(Ill. Rev. Stat. 1983, 1987, ch. 46, pars. 1-1 et seq.)~~ as it pertains to absentee voting for residents of licensed long-term care facilities. ~~(G)~~
- m) THE FACILITY SHALL IMMEDIATELY NOTIFY THE RESIDENT'S NEXT OF KIN, REPRESENTATIVE AND PHYSICIAN OF THE RESIDENT'S DEATH OR WHEN THE RESIDENT'S DEATH APPEARS TO BE IMMINENT. ~~(G)~~ (Section 2-208 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-208)~~
- n) The facility shall also immediately notify the resident's family, guardian, representative, conservator and any private or public agency financially responsible for the resident's care whenever emergency situations occur such as accidents, sudden illness, disease, unexplained absences, and other circumstances arise, such as extraordinary resident charges, billings, or related administrative matters. (B, ~~G~~)
- o) WHERE A RESIDENT, A RESIDENT'S REPRESENTATIVE OR A RESIDENT'S NEXT OF KIN BELIEVES THAT AN EMERGENCY EXISTS EACH OF THEM, COLLECTIVELY OR SEPARATELY, MAY FILE A VERIFIED PETITION TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE FACILITY IS LOCATED FOR AN ORDER PLACING THE FACILITY UNDER CONTROL OF A RECEIVER. ~~(G)~~ (Section 3-503 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-503)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3220 Medical and Personal Care Program

- a) A PERSONAL PHYSICIAN SHALL BE PERMITTED TO RETAIN THE SERVICES OF HIS OWN PERSONAL PHYSICIAN AT HIS OWN EXPENSE UNDER AN INDIVIDUAL OR GROUP PLAN OF HEALTH INSURANCE, OR UNDER ANY PUBLIC OR PRIVATE ASSISTANCE PROGRAM PROVIDING SUCH COVERAGE. (B-~~G~~) (Section 2-104(a) of the Act)
- b) THE DEPARTMENT SHALL NOT PRESCRIBE THE COURSE OF MEDICAL TREATMENT PROVIDED TO AN INDIVIDUAL RESIDENT BY THE RESIDENT'S PHYSICIAN IN A FACILITY. ~~(G)~~ (Section 2-104(a) of the Act)
- c) EVERY RESIDENT SHALL BE PERMITTED TO OBTAIN FROM HIS OWN PHYSICIAN OR THE PHYSICIAN ATTACHED TO THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS MEDICAL DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE RESIDENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. ~~(G)~~ (Section 2-104(a) of the Act)
- d) ALL RESIDENTS ~~EVERY RESIDENT~~ SHALL BE PERMITTED TO PARTICIPATE IN THE PLANNING OF THEIR ~~HIS~~ TOTAL CARE AND MEDICAL TREATMENT TO THE EXTENT THAT THEIR ~~HIS~~ CONDITION PERMITS ~~(G)~~ (Section 2-104(a) of the Act)
- e) NO RESIDENT SHALL BE SUBJECTED TO EXPERIMENTAL RESEARCH OR TREATMENT WITHOUT FIRST OBTAINING HIS INFORMED, WRITTEN CONSENT. THE CONDUCT OF ANY EXPERIMENTAL RESEARCH OR TREATMENT SHALL BE AUTHORIZED AND MONITORED BY AN INSTITUTIONAL REVIEW COMMITTEE APPOINTED BY THE ADMINISTRATOR OF THE FACILITY WHERE SUCH RESEARCH AND TREATMENT IS CONDUCTED. (A, B-~~G~~) (Section 2-104(a) of the Act)
- f) EVERY RESIDENT SHALL BE PERMITTED TO REFUSE MEDICAL TREATMENT AND TO KNOW THE CONSEQUENCES OF SUCH ACTION, UNLESS SUCH REFUSAL WOULD BE HARMFUL TO THE HEALTH AND SAFETY OF OTHERS AND SUCH HARM IS DOCUMENTED BY A PHYSICIAN IN THE RESIDENT'S CLINICAL RECORD. (B-~~G~~) (Section 2-104(b) of the Act)
- g) EVERY RESIDENT, RESIDENT'S GUARDIAN, OR PARENT (IF THE RESIDENT IS A MINOR) SHALL BE PERMITTED TO INSPECT AND COPY ALL OF THE ~~HIS~~ CLINICAL AND OTHER RECORDS CONCERNING THE RESIDENT'S ~~HIS~~ CARE AND MAINTENANCE KEPT BY THE FACILITY OR BY THE RESIDENT'S ~~HIS~~ PHYSICIAN ~~(see Section 2-104 (c) of the Act)~~. ~~(G)~~ (Section 2-104(c) of the Act)
- h) EVERY RESIDENT'S REPRESENTATIVE SHALL BE PERMITTED TO INSPECT AND COPY THE RESIDENT'S RECORDS. A "RESIDENT'S REPRESENTATIVE" IS A PERSON, OTHER THAN THE OWNER OR AN AGENT OR EMPLOYEE OF A FACILITY WHO IS NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3220(h) (continued)

- RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED ~~(see Sections 2-202 (h) and 2-123 of the Act)~~. ~~(G)~~ (Sections 1-123 and 2-202(h) of the Act)
- i) ALL RESIDENTS ~~A RESIDENT~~ SHALL BE PERMITTED RESPECT AND PRIVACY IN THEIR ~~HIS~~ MEDICAL AND PERSONAL CARE PROGRAM. EVERY RESIDENT'S CASE DISCUSSION, CONSULTATION, EXAMINATION AND TREATMENT SHALL BE CONFIDENTIAL AND SHALL BE CONDUCTED DISCREETLY, AND THOSE PERSONS NOT DIRECTLY INVOLVED IN THE RESIDENT'S CARE MUST HAVE THE RESIDENT'S ~~HIS~~ PERMISSION TO BE PRESENT. (B-~~G~~) ~~75-03-00-00~~ (Section 2-105 of the Act)

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

Section 390.3230 Restraints

- a) NEITHER PHYSICAL RESTRAINTS NOR CONFINEMENTS SHALL BE EMPLOYED FOR THE PURPOSE OF PUNISHMENT OR FOR THE CONVENIENCE OF ANY FACILITY PERSONNEL. NO PHYSICAL RESTRAINTS OR CONFINEMENTS SHALL BE EMPLOYED EXCEPT AS ORDERED BY A PHYSICIAN WHO DOCUMENTS THE NEED FOR SUCH RESTRAINTS OR CONFINEMENTS IN THE RESIDENT'S CLINICAL RECORD. (B-~~G~~) (Section 2-106 of the Act)
- b) Restraints and confinements may be employed only when necessary to prevent a resident from injuring himself or others. The physician's written authorization shall specify the precise time periods and conditions in which any restraints and confinements shall be employed. (B-~~G~~)
- c) Neither shall medication be employed by a facility as a restraint or confinement except as employed as part of a duly prescribed therapeutic medical treatment program authorized by the resident's physician and documented in the resident's clinical record. (B-~~G~~)
- d) No resident shall be subjected to any behavior modification program which utilizes restraints, confinements, or aversive stimuli of any nature unless and until the informed consent of such resident, resident's guardian, or parent of a minor resident has been obtained. (B-~~G~~)

(Source: Amended at 13 Ill. Reg. 630L, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.3240 Abuse and Neglect

- a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (A, B, ~~C~~) (Section 2-107 of the Act)
- b) A FACILITY EMPLOYEE OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER TO THE FACILITY ADMINISTRATOR. ~~(G)~~ (Section 3-610 of the Act)
- c) A FACILITY ADMINISTRATOR WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER BY TELEPHONE AND IN WRITING TO THE RESIDENT'S REPRESENTATIVE ~~AND TO THE DEPARTMENT.~~ ~~(G)~~ (Section 3-610 of the Act)
- d) A FACILITY ADMINISTRATOR, EMPLOYEE, OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL ALSO REPORT THE MATTER TO THE DEPARTMENT. (Section 3-610 of the Act) ~~In addition to this part, the facility must comply with any other applicable federal, state, or local requirements regarding the reporting of alleged abuse or neglect of residents.~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.3250 Communication and Visitation

- a) EVERY RESIDENT SHALL BE PERMITTED UNIMPEDED, PRIVATE AND UNCENSORED COMMUNICATION OF HIS CHOICE BY MAIL, PUBLIC TELEPHONE OR VISITATION. ~~(G)~~ (Section 2-108 of the Act)
- b) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT CORRESPONDENCE IS CONVENIENTLY RECEIVED AND MAILED, AND THAT TELEPHONES ARE REASONABLY ACCESSIBLE. ~~(G)~~ (Section 2-108(a) of the Act)
- c) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT RESIDENTS MAY HAVE PRIVATE VISITS AT ANY REASONABLE HOUR UNLESS SUCH VISITS ARE NOT MEDICALLY ADVISABLE FOR THE RESIDENT AS DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD BY THE RESIDENT'S PHYSICIAN. ~~(G)~~ (Section 2-108(a) of the Act)
- d) The facility shall allow daily visiting between 10-~~00~~ A.M. and 8-~~00~~ P.M. These visiting hours shall be posted in plain view of visitors. ~~(G)~~
- e) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT SPACE FOR VISITS IS AVAILABLE AND THAT FACILITY PERSONNEL KNOCK, EXCEPT IN AN EMERGENCY,

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.3250(e) (continued)

- f) UNIMPEDED, PRIVATE AND UNCENSORED COMMUNICATION BY MAIL, PUBLIC TELEPHONE, AND VISITATION MAY BE REASONABLY RESTRICTED BY A PHYSICIAN ONLY IN ORDER TO PROTECT THE RESIDENT OR OTHERS FROM HARM, HARASSMENT OR INTIMIDATION PROVIDED THAT THE REASON FOR ANY SUCH RESTRICTION IS PLACED IN THE RESIDENT'S CLINICAL RECORD BY THE PHYSICIAN AND THAT NOTICE OF SUCH RESTRICTION SHALL BE GIVEN TO ALL RESIDENTS UPON ADMISSION. ~~(G)~~ (Section 2-108(d) of the Act)
- g) NOTWITHSTANDING SUBSECTION (F) OF THIS SECTION ~~ABOVE~~, ALL LETTERS ADDRESSED BY A RESIDENT TO THE GOVERNOR, MEMBERS OF THE GENERAL ASSEMBLY, ATTORNEY GENERAL, JUDGES, STATE'S ATTORNEYS, OFFICERS OF THE DEPARTMENT, OR LICENSED ATTORNEYS AT LAW SHALL BE FORWARDED AT ONCE TO THE PERSONS TO WHOM THEY ARE ADDRESSED WITHOUT EXAMINATION BY FACILITY PERSONNEL. LETTERS IN REPLY FROM THE OFFICIALS AND ATTORNEYS MENTIONED ABOVE SHALL BE DELIVERED TO THE RECIPIENT WITHOUT EXAMINATION BY FACILITY PERSONNEL. ~~(G)~~ (Section 2-108(d) of the Act)
- h) ANY EMPLOYEE OR AGENT OF A PUBLIC AGENCY, ANY REPRESENTATIVE OF A COMMUNITY LEGAL SERVICES PROGRAM OR ANY MEMBER OF A COMMUNITY ORGANIZATION SHALL BE PERMITTED ACCESS AT REASONABLE HOURS TO ANY INDIVIDUAL RESIDENT OF ANY FACILITY, IF THE PURPOSE OF SUCH AGENCY, PROGRAM OR ORGANIZATION INCLUDES RENDERING ASSISTANCE TO RESIDENTS WITHOUT CHARGE, BUT ONLY IF THERE IS NEITHER A COMMERCIAL PURPOSE NOR AFFECT TO SUCH ACCESS AND IF THE PURPOSE IS TO DO ANY OTHER THAN THE FOLLOWING:
 - 1) VISIT, TALK WITH AND MAKE PERSONAL, SOCIAL, AND LEGAL SERVICES AVAILABLE TO ALL RESIDENTS; ~~(G)~~
 - 2) INFORM RESIDENTS OF THEIR RIGHTS AND ENTITLEMENTS AND THEIR CORRESPONDING OBLIGATIONS, UNDER FEDERAL AND STATE LAWS, BY MEANS OF EDUCATIONAL MATERIALS AND DISCUSSIONS IN GROUPS AND WITH INDIVIDUAL RESIDENTS; ~~(G)~~
 - 3) ASSIST RESIDENTS IN ASSERTING THEIR LEGAL RIGHTS REGARDING CLAIMS FOR PUBLIC ASSISTANCE, MEDICAL ASSISTANCE AND SOCIAL SECURITY BENEFITS, AS WELL AS IN ALL OTHER MATTERS IN WHICH RESIDENTS ARE AGGRIEVED. ASSISTANCE MAY INCLUDE COUNSELING AND LITIGATION; OR ~~(G)~~
 - 4) ENGAGE IN OTHER METHODS OF ASSERTING, ADVISING AND REPRESENTING

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3250(h)(4) (continued)

RESIDENTS SO AS TO EXTEND TO THEM FULL ENJOYMENT OF THEIR RIGHTS. ~~(G)~~ (Section 2-110(a) of the Act)

- i) NO VISITOR SHALL ENTER THE IMMEDIATE LIVING AREA OF ANY RESIDENT WITHOUT FIRST IDENTIFYING HIMSELF AND THEN RECEIVING PERMISSION FROM THE RESIDENT TO ENTER. THE RIGHTS OF OTHER RESIDENTS PRESENT IN THE ROOM SHALL BE RESPECTED. (B, ~~C~~) (Section 2-110(b) of the Act)

- j) A RESIDENT MAY TERMINATE AT ANY TIME A VISIT BY A PERSON HAVING ACCESS TO THE RESIDENT'S LIVING AREA. ~~(G)~~ (Section 2-110(b) of the Act)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.3260 Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) THROUGH (n) OF THIS SECTION. (Section 2-102 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-102)~~

- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, AND OBTAIN A SIGNED ACKNOWLEDGEMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. ~~(G)~~ (Section 2-201(1) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(1))~~

- c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS, AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. ~~(G)~~ (Section 2-201(2) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(2))~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3260 (continued)

- d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. ~~(G)~~ (Section 2-201(3) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(3))~~
- e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. ~~(G)~~ (Section 2-201(4) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(4))~~
- f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS. ~~(G)~~ (Section 2-201(5) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(5))~~
- g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. ~~(G)~~ (Section 2-201(6) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(6))~~
- h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. ~~(G)~~ (Section 2-201(7) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(7))~~
- i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. ~~(G)~~ (Section 2-201(7) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(7))~~
- j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3260(j) (continued)

THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. ~~(G)~~ (Section 2-201(8) of the Act) ~~(Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4152-201(8))~~

k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. ~~(G)~~ (Section 2-201(9) of the Act) ~~(Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4152-201(9))~~

l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. ~~(G)~~ (Section 2-201(10) of the Act) ~~(Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4152-201(10))~~

m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. ~~(G)~~ (Section 2-201(11) of the Act) ~~(Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4152-201(11))~~

n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. ~~(G)~~ (Section 2-201(12) of the Act) ~~(Ill. Rev. Stat., 1985, ch. 111 1/2, par. 4152-201(12))~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.3270 Residents' Advisory Council

Each resident shall have the right to participate in a residents' advisory council as indicated in Section 390.650. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3280 Contract With Facility

Each resident shall have the right to contract with the facility as indicated in Section 390.640. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.3290 Private Right of Action

a) Each resident shall have the right to maintain a private right of action against a facility as described in subsections (b) through (i) of this Section ~~below~~.

b) THE OWNER AND LICENSEE OF A FACILITY ARE LIABLE TO A RESIDENT FOR ANY INTENTIONAL OR NEGLIGENT ACT OR OMISSION OF THEIR AGENTS OR EMPLOYEES WHICH INJURES THE RESIDENT. (Section 3-601 of the Act)

c) THE LICENSEE SHALL PAY ~~3~~ THREE TIMES THE ACTUAL DAMAGES, OR \$500, WHICHEVER IS GREATER, AND COSTS AND ATTORNEY'S FEES TO A FACILITY RESIDENT WHOSE RIGHTS AS SPECIFIED IN PART 1 OF ARTICLE II OF THE ACT ARE VIOLATED. (Section 3-602 of the Act)

d) A RESIDENT MAY MAINTAIN AN ACTION UNDER THE ~~THIS~~ ACT AND THIS PART FOR ANY OTHER TYPE OF RELIEF, INCLUDING INJUNCTIVE AND DECLARATORY RELIEF, PERMITTED BY LAW. (Section 3-603 of the Act)

e) ANY DAMAGES RECOVERABLE UNDER SUBSECTIONS (b) THROUGH (i) OF THIS SECTION, INCLUDING MINIMUM DAMAGES AS PROVIDED BY THIS PART, MAY BE RECOVERED IN ANY ACTION WHICH A COURT MAY AUTHORIZE TO BE BROUGHT AS A CLASS ACTION PURSUANT TO PART 8 OF THE CIVIL PRACTICE LAW ~~ACT~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. 110, pars. 2-801 ~~2-101~~ et seq.). THE REMEDIES PROVIDED IN SUBSECTIONS (b) THROUGH (i) OF THIS SECTION ARE IN ADDITION TO AND CUMULATIVE WITH ANY OTHER LEGAL REMEDIES AVAILABLE TO A RESIDENT. EXHAUSTION OF ANY AVAILABLE ADMINISTRATIVE REMEDIES SHALL NOT BE REQUIRED PRIOR TO COMMENCEMENT OF A SUIT HEREUNDER. (Section 3-604 of the Act)

f) THE AMOUNT OF DAMAGES RECOVERED BY A RESIDENT IN AN ACTION BROUGHT UNDER SUBSECTIONS (b) THROUGH (i) OF THIS SECTION SHALL BE EXEMPT FOR PURPOSES OF DETERMINING INITIAL OR CONTINUING ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER ~~THE~~ THE ILLINOIS PUBLIC AID CODE ~~(Ill. Rev. Stat. 1983~~ 1987, ch. 23, pars. 1-1 et seq.), AS NOW OR HEREAFTER AMENDED, AND SHALL NEITHER BE TAKEN INTO CONSIDERATION NOR REQUIRED TO BE APPLIED TOWARD THE PAYMENT OR PARTIAL PAYMENT OF THE COST OF MEDICAL CARE OR SERVICES AVAILABLE UNDER ~~THE~~ THE ILLINOIS PUBLIC AID CODE. ~~(Section 3-605 of the Act)~~

Section 390.3290 (continued)

- g) ANY WAIVER BY A RESIDENT OR HIS LEGAL REPRESENTATIVE OF THE RIGHT TO COMMENCE AN ACTION UNDER SUBSECTIONS (b) THROUGH (i) OF THIS SECTION, WHETHER ORAL OR IN WRITING, SHALL BE NULL AND VOID, AND WITHOUT LEGAL FORCE OR EFFECT. (Section 3-606 of the Act)
- h) ANY PARTY TO AN ACTION BROUGHT UNDER SUBSECTIONS (b) THROUGH (i) OF THIS SECTION SHALL BE ENTITLED TO A TRIAL BY JURY AND ANY WAIVER OF THE RIGHT TO A TRIAL BY JURY, WHETHER ORAL OR IN WRITING, PRIOR TO THE COMMENCEMENT OF AN ACTION, SHALL BE NULL AND VOID, AND WITHOUT LEGAL FORCE OR EFFECT. (Section 3-607 of the Act)
- i) A LICENSEE OR ITS AGENTS OR EMPLOYEES SHALL NOT TRANSFER, DISCHARGE, EVICT, HARASS, DISMISS, OR RETALIATE AGAINST A RESIDENT. A RESIDENT'S REPRESENTATIVE, OR AN EMPLOYEE OR AGENT WHO MAKES A REPORT OF RESIDENT ABUSE OR NEGLECT, BRINGS OR TESTIFIES IN A PRIVATE RIGHT OF ACTION, OR FILES A COMPLAINT, BECAUSE OF THE SUCH ACTION OR TESTIMONY. (B-6) (Section 3-608 of the Act)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.3300 Transfer ~~and~~ or Discharge

- a) A RESIDENT MAY BE VOLUNTARILY DISCHARGED FROM A FACILITY AFTER HE GIVES THE ADMINISTRATOR, A PHYSICIAN, OR A NURSE OF THE FACILITY WRITTEN NOTICE OF HIS DESIRE TO BE DISCHARGED. IF A GUARDIAN HAS BEEN APPOINTED FOR A RESIDENT OR IF THE RESIDENT IS A MINOR, THE RESIDENT SHALL BE DISCHARGED UPON WRITTEN CONSENT OF HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT UNLESS THERE IS A COURT ORDER TO THE CONTRARY. IN SUCH CASES, UPON THE RESIDENT'S DISCHARGE, THE FACILITY IS RELIEVED FROM ANY RESPONSIBILITY FOR THE RESIDENT'S CARE, SAFETY OR WELL-BEING. ~~(C)~~ (Section 2-111 of the Act) ~~(111, Rev. Stat. 1985, ch. 111 1/2, par. 4152-111)~~
- b) Each resident's rights regarding involuntary transfer or discharge from a facility shall be as described in subsections (c) through (y) of this Section.

c) Reasons for Transfer or Discharge

- 1) A FACILITY MAY INVOLUNTARY TRANSFER OR DISCHARGE A RESIDENT ONLY FOR ONE OR MORE OF THE FOLLOWING REASONS: ~~SHALL NOT INVOLUNTARILY TRANSFER OR DISCHARGE A RESIDENT EXCEPT~~

- A) FOR MEDICAL REASONS. ~~---~~

Section 390.3300(c)(1) (continued)

- B) FOR THE RESIDENT'S PHYSICAL SAFETY. ~~OR~~
- C) FOR THE PHYSICAL SAFETY OF OTHER RESIDENTS, THE FACILITY STAFF OR FACILITY VISITORS. ~~OR~~
- D) FOR EITHER LATE PAYMENT OR NONPAYMENT FOR THE RESIDENT'S STAY, EXCEPT AS PROHIBITED BY TITLE XVII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT. FOR PURPOSES OF THIS SECTION, "LATE PAYMENT" MEANS NON-RECEIPT OF PAYMENT AFTER SUBMISSION OF A BILL. IF PAYMENT IS NOT RECEIVED WITHIN 45 DAYS AFTER SUBMISSION OF A BILL, THE FACILITY MAY SEND A NOTICE TO THE RESIDENT AND RESPONSIBLE PARTY REQUESTING PAYMENT WITHIN 30 DAYS. IF PAYMENT IS NOT RECEIVED WITHIN SUCH 30 DAYS, THE FACILITY MAY THEREUPON INSTITUTE TRANSFER OR DISCHARGE PROCEEDINGS BY SENDING A NOTICE OF TRANSFER OR DISCHARGE TO THE RESIDENT AND RESPONSIBLE PARTY BY REGISTERED OR CERTIFIED MAIL. THE NOTICE SHALL STATE, IN ADDITION TO THE REQUIREMENTS OF SECTION 3-403 OF THE ACT and subsection (e) of this Section, THAT THE RESPONSIBLE PARTY HAS THE RIGHT TO PAY THE AMOUNT OF THE BILL IN FULL UP TO THE DATE THE TRANSFER OR DISCHARGE IS TO BE MADE AND THEN THE RESIDENT SHALL HAVE THE RIGHT TO REMAIN IN THE FACILITY. SUCH PAYMENT SHALL TERMINATE THE TRANSFER OR DISCHARGE PROCEEDINGS. THIS SUBSECTION DOES NOT APPLY TO THOSE RESIDENTS WHOSE CARE IS PROVIDED UNDER THE ILLINOIS PUBLIC AID CODE. (B-6) (Section 3-401 of the Act) ~~(111, Rev. Stat. 1985, ch. 111 1/2, par. 4153-401)~~

2) Prohibition of Discrimination

- ~~1)~~ A) A FACILITY PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM IS PROHIBITED FROM FAILING OR REFUSING TO RETAIN AS A RESIDENT ANY PERSON BECAUSE THE RESIDENT IS A RECIPIENT OF OR AN APPLICANT FOR THE MEDICAL ASSISTANCE PROGRAM. FOR THE PURPOSES OF THIS SECTION, A RECIPIENT OR APPLICANT SHALL BE CONSIDERED A RESIDENT IN THE FACILITY DURING ANY HOSPITAL STAY TOTALING TEN DAYS OR LESS FOLLOWING A HOSPITAL ADMISSION. The day on which a resident is discharged from the facility and admitted to the hospital shall be considered the first day of the ten-day period. (Section 3-401.1(a) of the Act) ~~(111, Rev. Stat. 1985, ch. 111 1/2, par. 4153-401.1(a))~~

- ~~2)~~ B) A FACILITY WHICH VIOLATES SUBSECTION (C)(2)(A) ~~(1)~~ OF THIS SECTION SHALL BE GUILTY OF A BUSINESS OFFENSE AND

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3300(c)(2)(B) (continued)

FINED NOT LESS THAN \$500 NOR MORE THAN \$1,000 FOR THE FIRST OFFENSE AND NOT LESS THAN \$1,000 NOR MORE THAN \$5,000 FOR EACH SUBSEQUENT OFFENSE. (Section 3-401.1(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-401.1(b))~~

d) INVOLUNTARY TRANSFER OR DISCHARGE OF A RESIDENT FROM A FACILITY SHALL BE PRECEDED BY THE DISCUSSION REQUIRED UNDER SUBSECTION (1) OF THIS SECTION AND BY A MINIMUM WRITTEN NOTICE OF 21 DAYS. THE 21-DAY REQUIREMENT SHALL NOT APPLY IN ANY OF THE FOLLOWING INSTANCES:

1) WHEN AN EMERGENCY TRANSFER OR DISCHARGE IS MANDATED BY THE RESIDENT'S HEALTH CARE NEEDS AND IS IN ACCORD WITH THE WRITTEN ORDERS AND MEDICAL JUSTIFICATION OF THE ATTENDING PHYSICIAN; (Section 3-402(a) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-402(a))~~

2) WHEN THE TRANSFER OR DISCHARGE IS MANDATED BY THE PHYSICAL SAFETY OF OTHER RESIDENTS AS DOCUMENTED IN THE CLINICAL RECORD. (Section 3-402(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-402(b))~~

e) THE NOTICE REQUIRED BY SUBSECTION (d) OF THIS SECTION SHALL BE ON A FORM PRESCRIBED BY THE DEPARTMENT AND SHALL CONTAIN ALL OF THE FOLLOWING:

1) THE STATED REASON FOR THE PROPOSED TRANSFER OR DISCHARGE; ~~(G)~~ (Section 3-403(a) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(a))~~

2) THE EFFECTIVE DATE OF THE PROPOSED TRANSFER OR DISCHARGE; ~~(G)~~ (Section 3-403(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(b))~~

3) A STATEMENT IN NOT LESS THAN 12-POINT TYPE, WHICH READS: "YOU HAVE A RIGHT TO APPEAL THE FACILITY'S DECISION TO TRANSFER OR DISCHARGE YOU. IF YOU THINK YOU SHOULD NOT HAVE TO LEAVE THIS FACILITY, YOU MAY FILE A REQUEST FOR A HEARING WITH THE DEPARTMENT OF PUBLIC HEALTH WITHIN ~~10~~ TEN DAYS AFTER RECEIVING THIS NOTICE. IF YOU REQUEST A HEARING, IT WILL BE HELD NOT LATER THAN TEN ~~(10)~~ DAYS AFTER YOUR REQUEST, AND YOU GENERALLY WILL NOT BE TRANSFERRED OR DISCHARGED DURING THAT TIME. IF THE DECISION FOLLOWING THE HEARING IS NOT IN YOUR FAVOR, YOU GENERALLY WILL NOT BE TRANSFERRED OR DISCHARGED PRIOR TO THE EXPIRATION OF 30 DAYS FOLLOWING RECEIPT OF THE ORIGINAL NOTICE OF THE TRANSFER OR DISCHARGE. A FORM TO APPEAL THE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3300(e)(3) (continued)

FACILITY'S DECISION AND TO REQUEST A HEARING IS ATTACHED. IF YOU HAVE ANY QUESTIONS, CALL THE DEPARTMENT OF PUBLIC HEALTH AT THE TELEPHONE NUMBER LISTED BELOW." ~~(G)~~ (Section 3-403(c) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(c))~~

4) A HEARING REQUEST FORM, TOGETHER WITH A POSTAGE PAID, PREADDRESSED ENVELOPE TO THE DEPARTMENT; AND ~~(G)~~ (Section 3-403(d) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(d))~~

5) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON CHARGED WITH THE RESPONSIBILITY OF SUPERVISING THE TRANSFER OR DISCHARGE. ~~(G)~~ (Section 3-403(e) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(e))~~

f) A REQUEST FOR A HEARING MADE UNDER SUBSECTION (e) OF THIS SECTION SHALL STAY A TRANSFER PENDING A HEARING OR APPEAL OF THE DECISION, UNLESS A CONDITION WHICH WOULD HAVE ALLOWED TRANSFER OR DISCHARGE IN LESS THAN 21 DAYS AS DESCRIBED UNDER SUBSECTIONS (d)(1) AND (2) OF THIS SECTION DEVELOPS IN THE INTERIM. ~~(G)~~ (Section 3-404 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-404)~~

g) A COPY OF THE NOTICE REQUIRED BY SUBSECTION (d) OF THIS SECTION SHALL BE PLACED IN THE RESIDENT'S CLINICAL RECORD AND A COPY SHALL BE TRANSMITTED TO THE DEPARTMENT, THE RESIDENT, THE RESIDENT'S REPRESENTATIVE, AND, IF THE RESIDENT'S CARE IS PAID FOR IN WHOLE OR PART THROUGH TITLE XIX, TO THE DEPARTMENT OF PUBLIC AID. ~~(G)~~ (Section 3-405 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-405)~~

h) WHEN THE BASIS FOR AN INVOLUNTARY TRANSFER OR DISCHARGE IS THE RESULT OF AN ACTION BY THE DEPARTMENT OF PUBLIC AID WITH RESPECT TO A RECIPIENT OF TITLE XIX AND A HEARING REQUEST IS FILED WITH THE DEPARTMENT OF PUBLIC AID, THE 21-DAY WRITTEN NOTICE PERIOD SHALL NOT BEGIN UNTIL A FINAL DECISION IN THE MATTER IS RENDERED BY THE DEPARTMENT OF PUBLIC AID OR A COURT OF COMPETENT JURISDICTION AND NOTICE OF THAT FINAL DECISION IS RECEIVED BY THE RESIDENT AND THE FACILITY. (Section 3-406 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-406)~~

i) WHEN NONPAYMENT IS THE BASIS FOR INVOLUNTARY TRANSFER OR DISCHARGE, THE RESIDENT SHALL HAVE THE RIGHT TO REDEEM UP TO THE DATE THAT THE DISCHARGE OR TRANSFER IS TO BE MADE AND THEN SHALL HAVE THE RIGHT TO

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3300(i) (continued)

REMAIN IN THE FACILITY. ~~(C)~~ (Section 3-407 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-407)~~

j) THE PLANNED INVOLUNTARY TRANSFER OR DISCHARGE SHALL BE DISCUSSED WITH THE RESIDENT, THE RESIDENT'S REPRESENTATIVE AND PERSON OR AGENCY RESPONSIBLE FOR THE RESIDENT'S PLACEMENT, MAINTENANCE, AND CARE IN THE FACILITY. THE EXPLANATION AND DISCUSSION OF THE REASONS FOR INVOLUNTARY TRANSFER OR DISCHARGE SHALL INCLUDE THE FACILITY ADMINISTRATOR OR OTHER APPROPRIATE FACILITY REPRESENTATIVE AS THE EXPLANATION SHALL BE SUMMARIZED IN WRITING AND SHALL INCLUDE THE NAMES OF THE INDIVIDUALS INVOLVED IN THE DISCUSSIONS AND MADE A PART OF THE RESIDENT'S CLINICAL RECORD. ~~(C)~~ (Section 3-408 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-408)~~

k) THE FACILITY SHALL OFFER THE RESIDENT COUNSELING SERVICES BEFORE THE TRANSFER OR DISCHARGE OF THE RESIDENT. ~~(C)~~ (Section 3-409 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-409)~~

l) A RESIDENT SUBJECT TO INVOLUNTARY TRANSFER OR DISCHARGE FROM A FACILITY, THE RESIDENT'S GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT SHALL HAVE THE OPPORTUNITY TO FILE A REQUEST FOR A HEARING WITH THE DEPARTMENT WITHIN ~~10~~ TEN DAYS FOLLOWING RECEIPT OF THE WRITTEN NOTICE OF THE INVOLUNTARY TRANSFER OR DISCHARGE BY THE FACILITY. ~~(C)~~ (Section 3-410 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-410)~~

m) THE DEPARTMENT OF PUBLIC HEALTH, WHEN THE BASIS FOR INVOLUNTARY TRANSFER OR DISCHARGE IS OTHER THAN ACTION BY THE DEPARTMENT OF PUBLIC AID WITH RESPECT TO THE TITLE XIX MEDICAID RECIPIENT, SHALL HOLD A HEARING AT THE RESIDENT'S FACILITY NOT LATER THAN TEN ~~(10)~~ DAYS AFTER A HEARING REQUEST IS FILED, AND RENDER A DECISION WITHIN 14 DAYS AFTER THE FILING OF THE HEARING REQUEST. (Section 3-411 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-411)~~

n) THE HEARING BEFORE THE DEPARTMENT PROVIDED UNDER SUBSECTION (m) OF THIS SECTION SHALL BE CONDUCTED AS PRESCRIBED UNDER SECTIONS 3-703 THROUGH ~~THRU~~ 3-712 OF THE ACT ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-703 through 4153-712)~~. IN DETERMINING WHETHER A TRANSFER OR DISCHARGE IS AUTHORIZED, THE BURDEN OF PROOF IN THIS HEARING RESTS ON THE PERSON REQUESTING THE TRANSFER OR DISCHARGE. (Section 3-412 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-412)~~

o) IF THE DEPARTMENT DETERMINES THAT A TRANSFER OR DISCHARGE IS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3300(o) (continued)

AUTHORIZED UNDER SUBSECTION (c) OF THIS SECTION, THE RESIDENT SHALL NOT BE REQUIRED TO LEAVE THE FACILITY BEFORE THE 34th DAY FOLLOWING RECEIPT OF THE NOTICE REQUIRED UNDER SUBSECTION (d) OF THIS SECTION, OR THE 10th DAY FOLLOWING RECEIPT OF THE DEPARTMENT'S DECISION, WHICHEVER IS LATER, UNLESS A CONDITION WHICH WOULD HAVE ALLOWED TRANSFER OR DISCHARGE IN LESS THAN 21 DAYS AS DESCRIBED UNDER SUBSECTIONS (d)(1) AND (2) OF THIS SECTION DEVELOPS IN THE INTERIM. ~~(B-C)~~ (Section 3-413 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-413)~~

p) THE DEPARTMENT OF PUBLIC AID SHALL CONTINUE TITLE XIX MEDICAID FUNDING DURING THE APPEAL, TRANSFER, OR DISCHARGE PERIOD FOR THOSE RESIDENTS WHO ARE TITLE XIX RECIPIENTS AFFECTED BY SUBSECTION (c) OF THIS SECTION. (Section 3-414 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-414)~~

q) THE DEPARTMENT MAY TRANSFER OR DISCHARGE ANY RESIDENT FROM ANY FACILITY REQUIRED TO BE LICENSED UNDER THIS ACT WHEN ANY OF THE FOLLOWING CONDITIONS EXIST:

1) SUCH FACILITY IS OPERATING WITHOUT A LICENSE; (Section 3-415(a) of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(a))~~

2) THE DEPARTMENT HAS SUSPENDED, REVOKED OR REFUSED TO RENEW THE LICENSE OF THE FACILITY AS PROVIDED UNDER SECTION 3-119 OF THE ACT. (Section 3-415(b) of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(b))~~

3) THE FACILITY HAS REQUESTED THE AID OF THE DEPARTMENT IN THE TRANSFER OR DISCHARGE OF THE RESIDENT AND THE DEPARTMENT FINDS THAT THE RESIDENT CONSENTS TO TRANSFER OR DISCHARGE; (Section 3-415(c) of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(c))~~

4) THE FACILITY IS CLOSING OR INTENDS TO CLOSE AND ADEQUATE ARRANGEMENT FOR RELOCATION OF THE RESIDENT HAS NOT BEEN MADE AT LEAST 30 DAYS PRIOR TO CLOSURE; OR (Section 3-415(d) of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(d))~~

5) THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS WHICH REQUIRES IMMEDIATE TRANSFER OR DISCHARGE OF THE RESIDENT. (Section 3-415(e) of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(e))~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3300 (continued)

r) IN DECIDING TO TRANSFER OR DISCHARGE A RESIDENT FROM A FACILITY UNDER SUBSECTION (q) OF THIS SECTION, THE DEPARTMENT SHALL CONSIDER THE LIKELIHOOD OF SERIOUS HARM WHICH MAY RESULT IF THE RESIDENT REMAINS IN THE FACILITY. ~~(Section 3-416 of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-416)~~

s) THE DEPARTMENT SHALL OFFER TRANSFER OR DISCHARGE AND RELOCATION ASSISTANCE TO RESIDENTS TRANSFERRED OR DISCHARGED UNDER SUBSECTIONS (c) THROUGH (q) OF THIS SECTION INCLUDING INFORMATION ON AVAILABLE ALTERNATIVE PLACEMENTS. RESIDENTS SHALL BE INVOLVED IN PLANNING THE TRANSFER OR DISCHARGE AND SHALL CHOOSE AMONG THE AVAILABLE ALTERNATIVE PLACEMENTS, EXCEPT THAT WHERE AN EMERGENCY MAKES PRIOR RESIDENT INVOLVEMENT IMPOSSIBLE, THE DEPARTMENT MAY MAKE A TEMPORARY PLACEMENT UNTIL A FINAL PLACEMENT CAN BE ARRANGED. RESIDENTS MAY CHOOSE THEIR FINAL ALTERNATIVE PLACEMENT AND SHALL BE GIVEN ASSISTANCE IN TRANSFERRING TO SUCH PLACE. NO RESIDENT MAY BE FORCED TO REMAIN IN A TEMPORARY OR PERMANENT PLACEMENT. WHERE THE DEPARTMENT MAKES OR PARTICIPATES IN MAKING THE RELOCATION DECISION, CONSIDERATION SHALL BE GIVEN TO PROXIMITY TO THE RESIDENT'S RELATIVES AND FRIENDS. THE RESIDENT SHALL BE ALLOWED ~~3~~ THREE VISITS TO POTENTIAL ALTERNATIVE PLACEMENTS PRIOR TO REMOVAL, EXCEPT WHERE MEDICALLY CONTRAINDICATED OR WHERE THE NEED FOR IMMEDIATE TRANSFER OR DISCHARGE REQUIRES REDUCTION IN THE NUMBER OF VISITS. (Section 3-417 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-417)~~

t) THE DEPARTMENT SHALL PREPARE RESIDENT TRANSFER OR DISCHARGE PLANS TO ASSURE SAFE AND ORDERLY REMOVALS AND PROTECT RESIDENTS' HEALTH, SAFETY, WELFARE AND RIGHTS. IN NONEMERGENCIES AND WHERE POSSIBLE IN EMERGENCIES, THE DEPARTMENT SHALL DESIGN AND IMPLEMENT SUCH PLANS IN ADVANCE OF TRANSFER OR DISCHARGE. (Section 3-418 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-418)~~

u) THE DEPARTMENT MAY PLACE RELOCATION TEAMS IN ANY FACILITY FROM WHICH RESIDENTS ARE BEING DISCHARGED OR TRANSFERRED FOR ANY REASON, FOR THE PURPOSE OF IMPLEMENTING TRANSFER OR DISCHARGE PLANS. (Section 3-419 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-419)~~

v) IN ANY TRANSFER OR DISCHARGE CONDUCTED UNDER SUBSECTIONS (q) THROUGH (t) OF THIS SECTION THE DEPARTMENT SHALL:

- 1) PROVIDE WRITTEN NOTICE TO THE FACILITY PRIOR TO THE TRANSFER OR DISCHARGE. THE NOTICE SHALL STATE THE BASIS FOR THE ORDER OF TRANSFER OR DISCHARGE AND SHALL INFORM THE FACILITY OF ITS RIGHT TO AN INFORMAL CONFERENCE PRIOR TO TRANSFER OR DISCHARGE UNDER THIS SECTION, AND ITS RIGHT TO A SUBSEQUENT HEARING UNDER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3300(v)(1) (continued)

SUBSECTION (x) OF THIS SECTION. IF A FACILITY DESIRES TO CONTEST A NONEMERGENCY TRANSFER OR DISCHARGE, PRIOR TO TRANSFER OR DISCHARGE IT SHALL, WITHIN FOUR ~~(4)~~ WORKING DAYS AFTER RECEIPT OF THE NOTICE, SEND A WRITTEN REQUEST FOR AN INFORMAL CONFERENCE TO THE DEPARTMENT. THE DEPARTMENT SHALL, WITHIN FOUR ~~(4)~~ WORKING DAYS FROM THE RECEIPT OF THE REQUEST, HOLD AN INFORMAL CONFERENCE IN THE COUNTY IN WHICH THE FACILITY IS LOCATED. FOLLOWING THIS CONFERENCE, THE DEPARTMENT MAY AFFIRM, MODIFY OR OVERRULE ITS PREVIOUS DECISION. EXCEPT IN AN EMERGENCY, TRANSFER OR DISCHARGE MAY NOT BEGIN UNTIL THE PERIOD FOR REQUESTING A CONFERENCE HAS PASSED OR, IF A CONFERENCE IS REQUESTED, UNTIL AFTER A CONFERENCE HAS BEEN HELD; AND (Section 3-420(a) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-420(a))~~

2) PROVIDE WRITTEN NOTICE TO ANY RESIDENT TO BE REMOVED, TO THE RESIDENT'S REPRESENTATIVE, IF ANY, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE, PRIOR TO THE REMOVAL. THE NOTICE SHALL STATE THE REASON FOR WHICH TRANSFER OR DISCHARGE IS ORDERED AND SHALL INFORM THE RESIDENT OF THE RESIDENT'S RIGHT TO CHALLENGE THE TRANSFER OR DISCHARGE UNDER SUBSECTION (x) OF THIS SECTION. THE DEPARTMENT SHALL HOLD AN INFORMAL CONFERENCE WITH THE RESIDENT OR THE RESIDENT'S REPRESENTATIVE PRIOR TO TRANSFER OR DISCHARGE AT WHICH THE RESIDENT OR THE REPRESENTATIVE MAY PRESENT ANY OBJECTIONS TO THE PROPOSED TRANSFER OR DISCHARGE PLAN OR ALTERNATIVE PLACEMENT. (Section 3-420(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-420(b))~~

w) IN ANY TRANSFER OR DISCHARGE CONDUCTED UNDER SUBSECTION (q)(5) OF THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE FACILITY AND ANY RESIDENT TO BE REMOVED THAT AN EMERGENCY HAS BEEN FOUND TO EXIST AND REMOVAL HAS BEEN ORDERED, AND SHALL INVOLVE THE RESIDENTS IN REMOVAL PLANNING IF POSSIBLE. FOLLOWING EMERGENCY REMOVAL, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO THE FACILITY, TO THE RESIDENT, TO THE RESIDENT'S REPRESENTATIVE, IF ANY, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE, OF THE BASIS FOR THE FINDING THAT AN EMERGENCY EXISTED AND OF THE RIGHT TO CHALLENGE REMOVAL UNDER SUBSECTION (x) OF THIS SECTION. (Section 3-421 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-421)~~

x) WITHIN ~~10~~ TEN DAYS FOLLOWING TRANSFER OR DISCHARGE, THE FACILITY OR ANY RESIDENT TRANSFERRED OR DISCHARGED MAY SEND A WRITTEN REQUEST TO THE DEPARTMENT FOR A HEARING UNDER SECTION 3-703 OF THE ACT ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-703)~~ TO CHALLENGE THE TRANSFER OR DISCHARGE. THE DEPARTMENT SHALL HOLD THE HEARING

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.3300(x) (continued)

WITHIN 30 DAYS OF RECEIPT OF THE REQUEST. WHERE A CHALLENGE IS BY A RESIDENT, THE HEARING SHALL BE HELD AT A LOCATION CONVENIENT TO THE RESIDENT. IF THE FACILITY PREVAILS, IT MAY FILE A CLAIM AGAINST THE STATE UNDER THE ~~COURT OF CLAIMS ACT~~ FOR PAYMENTS OF LESS EXPENSES SAVED AS A RESULT OF THE TRANSFER OR DISCHARGE. NO RESIDENT TRANSFERRED OR DISCHARGED MAY BE HELD LIABLE FOR THE CHARGE FOR CARE WHICH WOULD HAVE BEEN MADE HAD THE RESIDENT REMAINED IN THE FACILITY. IF A RESIDENT PREVAILS, THE RESIDENT MAY FILE A CLAIM AGAINST THE STATE UNDER THE ~~COURT OF CLAIMS ACT~~ (Ill. Rev. Stat. 1987-1988, ch. 37, pars. 439.1 et seq.) FOR ANY EXCESS EXPENSES DIRECTLY CAUSED BY THE ORDER TO TRANSFER OR DISCHARGE. THE DEPARTMENT SHALL ASSIST THE RESIDENT IN RETURNING TO THE FACILITY IF ASSISTANCE IS REQUESTED. (Section 3-422 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-422)~~

- y) ANY OWNER OF A FACILITY LICENSED UNDER THIS ACT SHALL GIVE 90 DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OF MORE THAN ~~10%~~ TEN PERCENT OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENT WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE FACILITY SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER SUBSECTION (u) OF THIS SECTION. (A, B, ~~C~~) (Section 3-423 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-423)~~

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.3310 Complaint Procedures

- a) A RESIDENT SHALL BE PERMITTED TO PRESENT GRIEVANCES ON BEHALF OF HIMSELF AND OTHERS TO THE ADMINISTRATOR, THE LONG-TERM CARE FACILITY ADVISORY BOARD, THE RESIDENTS' ADVISORY COUNCIL, STATE GOVERNMENTAL AGENCIES OR OTHER PERSONS WITHOUT THREAT OF DISCHARGE OR REPRISAL IN ANY FORM OR MANNER WHATSOEVER. ~~(C)~~ (Section 2-212 of the Act)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 390.3310 (continued)

- b) THE FACILITY ADMINISTRATOR SHALL PROVIDE ALL RESIDENTS OR THEIR REPRESENTATIVES WITH THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPROPRIATE STATE GOVERNMENTAL OFFICE WHERE COMPLAINTS MAY BE LODGED. ~~(G)~~ (Section 2-212 of the Act)
- c) A PERSON WHO BELIEVES THAT THE ACT OR A RULE PROMULGATED UNDER THE ACT MAY HAVE BEEN VIOLATED MAY REQUEST AN INVESTIGATION. THE REQUEST MAY BE SUBMITTED TO THE DEPARTMENT IN WRITING, BY TELEPHONE, OR BY PERSONAL VISIT. AN ORAL COMPLAINT SHALL BE REDUCED TO WRITING BY THE DEPARTMENT. (Section 3-702(a) of the Act)
- d) THE SUBSTANCE OF THE COMPLAINT SHALL BE PROVIDED IN WRITING TO THE LICENSEE, OWNER OR ADMINISTRATOR NO EARLIER THAN AT THE COMMENCEMENT OF THE ON-SITE INSPECTION OF THE FACILITY WHICH TAKES PLACE PURSUANT TO THE COMPLAINT. (Section 3-702(b) of the Act)
- e) THE DEPARTMENT SHALL NOT DISCLOSE THE NAME OF THE COMPLAINANT UNLESS THE COMPLAINANT CONSENTS IN WRITING TO THE DISCLOSURE OR THE INVESTIGATION RESULTS IN A JUDICIAL PROCEEDING, OR UNLESS DISCLOSURE IS ESSENTIAL TO THE INVESTIGATION. THE COMPLAINANT SHALL BE GIVEN THE OPPORTUNITY TO WITHDRAW THE COMPLAINT BEFORE DISCLOSURE. UPON THE REQUEST OF THE COMPLAINANT, THE DEPARTMENT MAY PERMIT THE COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY. (Section 3-702(c) of the Act)
- f) UPON RECEIPT OF A COMPLAINT, THE DEPARTMENT SHALL DETERMINE WHETHER THE ACT OR A RULE PROMULGATED UNDER THE ACT HAS BEEN OR IS BEING VIOLATED. THE DEPARTMENT SHALL INVESTIGATE ALL COMPLAINTS ALLEGING ABUSE OR NEGLECT WITHIN ~~7~~ SEVEN DAYS AFTER THE RECEIPT OF THE COMPLAINT EXCEPT THE COMPLAINTS OF ABUSE OR NEGLECT WHICH INDICATE THAT A RESIDENT'S LIFE OR SAFETY IS IN IMMINENT DANGER SHALL BE INVESTIGATED WITH 24 HOURS AFTER RECEIPT OF THE COMPLAINT. ALL OTHER COMPLAINTS SHALL BE INVESTIGATED WITHIN 30 DAYS AFTER THE RECEIPT OF THE COMPLAINT. ALL COMPLAINTS SHALL BE CLASSIFIED AS "VALID" OR "INVALID". FOR ANY COMPLAINT CLASSIFIED AS "VALID", THE DEPARTMENT MUST DETERMINE WITHIN 30 WORKING DAYS IF ANY RULE OR PROVISION OF THIS ACT HAS BEEN OR IS BEING VIOLATED. (Section 3-702(d) of the Act)
- g) UPON THE REQUEST OF A RESIDENT OR COMPLAINANT, THE DEPARTMENT MAY PERMIT THE RESIDENT OR COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY PURSUANT TO THE COMPLAINT. (Section 3-702(c) of the Act)
- h) IN ALL CASES, THE DEPARTMENT SHALL INFORM THE COMPLAINANT OF ITS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3310(h) (continued)

FINDINGS WITHIN ~~10~~ TEN DAYS OF ITS DETERMINATION UNLESS OTHERWISE INDICATED BY THE COMPLAINANT, AND THE COMPLAINANT MAY DIRECT THE DEPARTMENT TO SEND A COPY OF SUCH FINDINGS TO ANOTHER PERSON. THE DEPARTMENT'S FINDINGS MAY INCLUDE CONTENTS OR DOCUMENTATION PROVIDED BY EITHER THE COMPLAINANT OR THE LICENSEE PERTAINING TO THE COMPLAINT. THE DEPARTMENT SHALL ALSO NOTIFY THE FACILITY OF SUCH FINDINGS WITHIN ~~10~~ TEN DAYS OF THE DETERMINATION, BUT THE NAME OF THE COMPLAINANT OR RESIDENTS SHALL NOT BE DISCLOSED IN THIS NOTICE TO THE FACILITY. THE NOTICE OF SUCH FINDINGS SHALL INCLUDE A COPY OF THE WRITTEN DETERMINATION; THE CORRECTION ORDER, IF ANY; THE INSPECTION REPORT; OR WARNING NOTICE, IF ANY; AND THE STATE LICENSURE ON WHICH THE VIOLATION IS LISTED. (Section 3-702(e) of the Act)

i) A WRITTEN DETERMINATION, CORRECTION ORDER, OR WARNING NOTICE CONCERNING A COMPLAINT SHALL BE AVAILABLE FOR PUBLIC INSPECTION, BUT THE NAME OF THE COMPLAINANT OR RESIDENT SHALL NOT BE DISCLOSED WITHOUT HIS CONSENT. (Section 3-702(f) of the Act)

j) A COMPLAINANT WHO IS DISSATISFIED WITH THE DETERMINATION OR INVESTIGATION BY THE DEPARTMENT MAY REQUEST A HEARING UNDER SUBSECTION (k) OF THIS SECTION ~~BELOW~~. THE FACILITY SHALL BE GIVEN NOTICE OF ANY SUCH HEARING AND MAY PARTICIPATE IN THE HEARING AS A PARTY. IF A FACILITY REQUESTS A HEARING UNDER SUBSECTION (k) OF THIS SECTION ~~BELOW~~ WHICH CONCERNS A MATTER COVERED BY A COMPLAINT, THE COMPLAINANT SHALL BE GIVEN WRITTEN NOTICE AND MAY PARTICIPATE IN THE HEARING AS A PARTY. A REQUEST FOR A HEARING BY EITHER A COMPLAINANT OR A FACILITY SHALL BE SUBMITTED IN WRITING TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE MAILING OF THE DEPARTMENT'S FINDINGS AS DESCRIBED IN SUBSECTION (i) OF THIS SECTION ~~ABOVE~~. UPON RECEIPT OF THE REQUEST THE DEPARTMENT SHALL CONDUCT A HEARING AS PROVIDED UNDER SUBSECTION (i) OF THIS SECTION ~~ABOVE~~. (Section 3-702(g) of the Act)

k) Any person aggrieved by a decision of the Department ~~or a facility~~ rendered in a particular case which affects the legal rights, duties or privileges created under the ~~this~~ Act may have such decision reviewed in accordance with Sections 3-703 through ~~the~~ 3-712 of the Act.

l) When the Department finds that a provision of Article II of the Act regarding residents' rights has been violated with regard to a particular resident, the Department shall issue an order requiring the facility to reimburse the resident for injuries incurred, or \$100, whichever is greater.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3320 Confidentiality

a) THE DEPARTMENT, THE FACILITY AND ALL OTHER PUBLIC OR PRIVATE AGENCIES SHALL RESPECT THE CONFIDENTIALITY OF A RESIDENT'S RECORD AND SHALL NOT DIVULGE OR DISCLOSE THE CONTENTS OF A RECORD IN A MANNER WHICH IDENTIFIES A RESIDENT, EXCEPT UPON A RESIDENT'S DEATH TO A RELATIVE OR GUARDIAN, OR UNDER JUDICIAL PROCEEDINGS. THIS SECTION ~~REGULATION~~ SHALL NOT BE CONSTRUED TO LIMIT THE RIGHT OF A RESIDENT OR A RESIDENT'S REPRESENTATIVE TO INSPECT OR COPY THE RESIDENT'S RECORDS. (Section 2-206(a) of the Act)

b) CONFIDENTIAL MEDICAL, SOCIAL, PERSONAL, OR FINANCIAL INFORMATION IDENTIFYING A RESIDENT SHALL NOT BE AVAILABLE FOR PUBLIC INSPECTION IN A MANNER WHICH IDENTIFIES A RESIDENT. (8-~~6~~) (Section 2-206(b) of the Act)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.3330 Facility Implementation

a) THE FACILITY SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES TO IMPLEMENT THE RESPONSIBILITIES AND RIGHTS PROVIDED IN THIS SUBPART. THE POLICIES SHALL INCLUDE THE PROCEDURE FOR THE INVESTIGATION AND RESOLUTION OF RESIDENT COMPLAINTS UNDER THE ACT. THE POLICIES SHALL BE CLEAR AND UNAMBIGUOUS AND SHALL BE AVAILABLE FOR INSPECTION BY ANY PERSON. A SUMMARY OF THE POLICIES AND PROCEDURES, PRINTED IN NOT LESS THAN 12 POINT TYPE, SHALL BE DISTRIBUTED TO EACH RESIDENT AND REPRESENTATIVE. ~~(c)~~ (Section 2-210 of the Act)

b) The facility shall provide copies of these policies and procedures upon request to next of kin, sponsoring agencies, representative payees and the public. ~~(c)~~

c) EACH RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY OF THE RIGHTS AND RESPONSIBILITIES ENUMERATED IN PART I OF ARTICLE II OF THE ACT AT THE TIME OF ADMISSION TO A FACILITY OR AS SOON THEREAFTER AS THE CONDITION OF THE RESIDENT PERMITS, BUT IN NO EVENT LATER THAN 48 HOURS AFTER ADMISSION. IF A RESIDENT IS UNABLE TO READ SUCH WRITTEN SUMMARY, IT SHALL BE READ TO THE RESIDENT IN A LANGUAGE THE RESIDENT UNDERSTANDS. IN THE CASE OF A MINOR OR A PERSON HAVING A GUARDIAN, BOTH THE RESIDENT AND THE PARENT OR GUARDIAN SHALL BE FULLY INFORMED OF THESE RIGHTS AND RESPONSIBILITIES. ~~(c)~~ (Section 2-211 of the Act)

d) The resident, resident's representative, guardian, or parent of a minor resident shall acknowledge in writing the receipt from the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3330(d) (continued)

facility of a copy of all resident rights set forth in this Subpart and a copy of all facility policies implementing such rights. ~~(C)~~

- e) THE FACILITY SHALL ENSURE THAT ITS STAFF IS FAMILIAR WITH AND OBSERVES THE RIGHTS AND RESPONSIBILITIES ENUMERATED IN THE ACT AND THIS PART. (B-~~C~~) (Section 2-211 of the Act)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

SUBPART P: DAY CARE PROGRAMS

Section 390.3510 Day Care in Long-Term Care Facilities

- a) For a licensed long-term care facility to be approved for a day care program, it is necessary that the facility meet all licensing requirements for its level of care.

- b) In addition, the following criteria must also be met:

- 1) Staff: Sufficient and satisfactory personnel shall be on duty to provide services that meet the total needs of the day care residents, without detracting from the services given to the residents in the facility in accordance with the various staffing requirements of this Part.

- 2) Space:

- A) Dining - Adequate space and equipment available to accommodate the additional residents in accordance with Subparts I and K and Sections 390.2670 or 390.2970 of this Part.
- B) Activity Area - Large enough area to accommodate capacity of facility, plus additional "Day Care" residents in accordance with Sections 390.2670 or 390.2970 of this Part.
- C) Rest Area - A definite area should be designated as an area available for the Day Care resident to nap or rest. This area should be equipped with beds (roll-aways can be used) or cots and portable screens. There should also be adequate space available for personal items storage for the number of Day Care residents being cared for. Suggested areas which can be utilized for the Day Care resident could

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3510(b)(2)(C) (continued)

include:

- i) Facilities having more than one communal area (such as a lounge ~~and~~ and sunporch ~~etc.~~) could designate one of these for rest areas;
- ii) Non-occupied rooms (no one assigned to these rooms);
- iii) Toilets - Adequate number to accommodate extra number of residents in accordance with Sections 390.2660 or 390.2960 of this Part.

3) Records:

- A) A statement by a physician who has evaluated the resident within the last 30 days stating the resident is free of communicable and infectious disease, and indicating any medication ~~and/or~~ and treatments and diet needed by the resident during the period of time in the facility. Permission should also be granted in this statement for the resident to participate in activities with any contraindications or limitations.
- B) Medication and Treatment record - Required for any medications or treatments given during resident stay in the facility. (Medications must be in original containers and properly labeled.)
- C) "Face" sheet or admission sheet - Containing all pertinent information necessary for the "safe keeping" of the resident such as complete name; address, telephone number, social security number, medicare number, and age of resident; name, business, and home address, and telephone number of person to notify in an emergency; name of family physician; name of physician to call in an emergency.
- D) Incident Report - in case of medication error or accident of any kind.
- 4) There must be written policies covering "Day Care" Service in the facility which explain implementation of this Section.
- 5) Permission for a Day Care Program requires identifying the services of the facility that will be used in the program. Examples: Activity area, dining area, administering of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.3510(b)(5) (continued)

medications by nursing staff, physical therapy, speech, and social services, ~~etc.~~

- 6) The maximum number of "Day Care" residents served shall be reported with the application under Section 390.620 of this Part.
- 7) The facility should consider the following in developing and providing Day Care Programs:
 - A) Use of house or advisory physician for emergencies;
 - B) Insurance coverage;
 - C) Signed agreement with family or responsible individual;
 - D) Permission to be involved in activities outside of the facility (in the community);
 - E) Attendance record; and
 - F) Facility should be aware of method and time of pick-up and delivery of the Day Care residents.

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)

Section 390.APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under ~~Twenty-Two~~ Twenty-Two Years of Age

Interpretation of:

LONG-TERM CARE FACILITY FOR RESIDENTS UNDER 22 YEARS OF AGE

A Long-Term Care Facility for Residents Under ~~Twenty-Two~~ Twenty-Two Years of Age provides care which includes physical, emotional, social, restorative, and other rehabilitative services for a resident. These services, provided for in a planned medical program as part of the resident's individual habilitation plan, encompass skilled nursing, rehabilitative and habilitative nursing, physical, occupational, recreational and speech therapies, psychological and social services, and are directed toward the development of personal and social independence and health. All available resources are utilized to plan and reach these goals.

Residents who require continuous nursing care for unstable conditions, recurring medical problems, chronic long term medical conditions, or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.APPENDIX A (continued)

~~and/or~~ convalescing from surgery or acute illness, and for whom, as a practical matter, must receive these services on an in-resident basis are appropriate for placement in these facilities.

Facility staff and its consultants must be composed of those trained to recognize significant and/or potential deterioration or changes in the resident's health status or medical needs and developmental status and needs. The facility staff shall also participate in the formulation and implementation of the resident's habilitation plan.

Illustrative Services of:

LONG-TERM CARE FACILITY FOR RESIDENTS UNDER 22 YEARS OF AGE

A Long-Term Care Facility for Residents Under ~~Twenty-Two~~ Twenty-Two Years of Age is a level of care, both qualitative and quantitative, administered by trained personnel and would include:

Skilled nursing treatments, such as, the administration of medications, oxygen, tube feedings, intravenous fluids, and the care and administration of respiratory therapy, catheterizations and irrigations, ostomies, and dressings involving medications and aseptic techniques.

Skilled rehabilitative and habilitative therapy and training, such as, positioning and posture development, range of motion exercises, gait training, postural drainage, and activities of daily living training, such as, feeding, bowel and bladder, dressing and hygiene.

Skilled nursing observations to detect and evaluate the resident's need for modifications of treatment or institution of medical procedure. Skilled nursing supervision and on-going evaluation to assess resident's need, assist in formulation of the resident's individual habilitation plan, and to coordinate its implementation.

Skilled therapy in communication skills, such as, articulation and language.

Skilled services in sensory integration, through a planned stimulation program, to develop and increase body and sensory awareness, and to develop and coordinate resident's response.

Skilled supervision and provision of behavior management, such as, a planned program of behavior modification and therapeutic counseling to develop or ~~and/or~~ retain appropriate behavior.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTSSection Numbers:

330.3710, 330.3720, 330.3730, 330.3910
 330.3920, 330.3930, 330.3940, 330.3950
 330.3960, 330.3970, 330.3980, 330.3990
 330.4000, 330.4210, 330.4220, 330.4230
 330.4240, 330.4250, 330.4260, 330.4270
 330.4280, 330.4290, 330.4300, 330.4310
 330.4320, 330.4330, 330.4510

Adopted Action:

Amendments
 Amendments
 Amendments
 Amendments
 Amendments
 Amendments

4) Statutory Authority:

Nursing Home Care Act [Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968 (Senate Bill 1322), effective December 9, 1987, Public Act 85-1183 (House Bill 4172), effective August 13, 1988, and Public Act 85-1378 (Senate Bill 2201), effective September 1, 1988]

5) Effective Date of Amendments:

April 17, 1989

6) Does this Rulemaking contain an Automatic Repeal Date? No.7) Does this Rulemaking contain Incorporation by Reference? No.8) Date Filed in Agency's Principal Office:

April 17, 1989

9) Date Notice of Proposal Published in Illinois Register:

December 23, 1988 (12 Ill. Reg. 21893)

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.11) Difference Between Proposal and Final Version:

In response to questions from the Joint Committee on Administrative Rules, the Department made two changes. First, the Department deleted the proposed addition of standards of the U.S. Public Health Service to Section 330.340(a)(2). These standards are not referenced in other provisions of the rules and the incorporation of these standards by reference was only approved by the Joint Committee on Administrative Rules for inclusion in 77 Ill. Adm. Code 300. The addition of these standards may be re-proposed at a later date.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Also, in response to the Joint Committee on Administrative Rules, in Section 330.720(c)(1) the Department has added the phrase "as determined by professional evaluation" after the phrase "in the near future."

During the public comment period, amendments related to nurse aide training were withdrawn from this rulemaking. These changes, which included the proposed addition of new Sections 330.913 and 330.916, will be re-proposed and adopted in conjunction with the adoption of a new set of rules which have been proposed on nurse aide training programs (77 Ill. Adm. Code 395). The proposed new set of rules appeared in the December 2, 1988, issue of the Illinois Register (12 Ill. Reg. 19927).

Changes in the wording of the definition of "Qualified Mental Retardation Professional" in Section 330.330 were made in response to public comments. Changes in references to statutory and regulatory provisions were made in compliance with comments from the Department of Professional Regulation.

Numerous typographical corrections and technical changes were also made in response to questions from the Administrative Code Division. No other changes were made in the text of the amendments.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.

13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.

These amendments replace amendments which were adopted on an emergency basis effective October 24, 1988. The emergency amendments appeared in the Illinois Register on November 14, 1988 (12 Ill. Reg. 18939). The emergency amendments expired on March 23, 1989.

14) Are there any other Amendments Pending on this Part? No.15) Summary and Purpose of Rules:

The Department is adopting amendments which were adopted on an emergency basis effective October 24, 1988. These amendments also make other changes to reflect recent statutory changes and to clarify various provisions of the rules. In addition, these amendments update statutory references and make a number of non-substantive changes in the other provisions of the rules. The specific changes included in these amendments are described here.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Emergency Changes

The most significant emergency changes which are included in these adopted amendments are the result of Public Act 85-1378 (Senate Bill 2201), which took effect on September 1, 1988. This legislation amended the Nursing Home Care Act to eliminate the lowest level of violations, level "C" violations. This level of violations was replaced with a procedure for the issuance of administrative warnings. Facilities will not be required to submit a plan of correction in response to an administrative warning, but will be responsible for correction of the condition.

To implement this change, the Department is adopting the following changes which were adopted on an emergency basis effective October 24, 1988. The Notice of Emergency Amendments appeared in the Illinois Register on November 14, 1988, at 12 Ill. Reg. 18939.

1. Deleting all of the current designations of level "C" violations from the entire text of the rules.
2. Expanding the provisions in Section 330.272 concerning the determination to issue a notice of violation to also include administrative warnings.
3. Eliminating the language concerning level "C" violations in Section 330.274 which concerns the determination of the level of a violation.
4. Adding a new Section 330.277 to provide procedures for the issuance of administrative warnings.
5. Eliminating the provisions concerning the assessment of penalties for ten or more uncorrected level "C" violations from Section 330.282(e).
6. Adding a definition of "administrative warning" and deleting the definition of "type C violation" in Section 330.330.

Additional statutory changes included in Public Act 85-1378, and changes included in Public Act 85-1183 (House Bill 4172), which took effect on August 13, 1988, were also adopted on an emergency basis and are included in these adopted amendments. These changes include amendments to provisions concerning:

1. Submission of ownership information [Section 330.250(a)].
2. Contents of the quarterly list of facilities against which the Department is taking some action [Section 330.290(a)].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

3. Basis and procedures for involuntary transfer or discharge [Section 330.4300(c)].
4. Procedure for hearings requested by persons who file complaints against a facility [Section 330.4310(j)].

Additional Statutory Changes

Additional statutory changes included in Public Act 85-968 (Senate Bill 1322), which took effect on December 9, 1987, are also being implemented in these amendments. These changes include amendments to reflect the statutory provisions concerning the length of the license period [Section 330.110(b)] and the appointment of monitors [Section 330.270(a)].

In addition, Sections 330.260(d) and (g) are being repealed, since the parallel sections of the statute, Sections 3-314 and 3-317, were repealed by Public Act 83-1530, which became effective July 1, 1985. Repeal of these provisions of the rules is consistent with the statute.

Physical Examinations and Tuberculin Skin Tests

Changes in Sections 330.760 and 330.1110 and the addition of new Sections 330.765 and 330.1135 are being adopted to clarify the rules on employee physical examinations and tuberculin skin tests for employees and residents. The changes eliminate the requirement for annual physical examinations for employees, since these examinations are not effective in protecting the health of the employees or residents. The provisions concerning the initial physical examination of employees are being separated into the new Section 330.765 and the procedures for conducting tuberculin skin tests are being separated into the new Section 330.1135. Section 330.1110, which concerns medical care for residents, is being changed to reference the tuberculin test procedures which are being relocated to Section 330.1135.

Additional Substantive Changes

The definition of "person in need of mental treatment" in Section 330.330 is being deleted and the substance of this definition is being added to the provision on admission policies in Section 330.720(c)(1). Changes in this provision are intended to insure that the provision is consistent with the language of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987, ch. 91 1/2, par. 1-100 et seq.) and with the policies of the Department of Mental Health and Developmental Disabilities.

The definition of "qualified mental retardation professional" in Section 330.330 is being amended to conform to recent changes in the rules of the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Health Care Financing Administration governing Medicaid program certification of Intermediate Care Facilities for the Mentally Retarded (42 CFR 483). The changes in these federal rules were adopted effective October 1, 1988. The proposed amendments to this definition will insure that the definition is consistent with the federal rules.

The definition of a utensil sanitizer in Section 330.330 is being replaced with a definition of sanitization to include chemical, as well as steam sanitization.

Shower stall curb requirements in Section 330.3650(j) are being eliminated as no longer necessary. These changes will insure that the rules reflect current enforcement policies of the Department, since numerous waivers have been granted from these requirements. The definition of safety device in Section 330.330 is being revised to eliminate the reference to a minimum width of six inches in the example of a wide band which is used as a safety device. The change clarifies the definition.

Changes in Section 330.920(b) are being adopted to insure that the general consultation requirements conform to the requirements for activity program consultation which are included in Section 330.1310(c). The activity program consultation requirements in Section 330.1310(c) were changed in amendments which were adopted effective December 24, 1987.

Reference Corrections and Updates

Throughout the text of these rules, references to the Nursing Home Care Act and other statutes are being updated. These changes reflect the changes in the Act and the latest edition of the Illinois Revised Statutes.

Section 330.340, which contains a list of all of the materials incorporated and referenced in these rules is being updated. Statutory references in this Section have been corrected and updated.

Section 330.2010 is being amended to eliminate the reference to the "latest edition of" the Department's food service sanitation rules. This reference is being replaced with the correct citation. References to the Capital Development Board's rules on handicapped accessibility to buildings are also being updated. The title and content of these rules was recently changed based on a comprehensive revision of the statute which authorized the Board to adopt these rules. These references are being updated in Sections 330.340(a)(4)(A), 330.3040(a)(4), and other locations.

References to various units of the Department which had responsibility

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

for the licensure of alcoholism treatment programs are being updated in Section 330.300. As amended, these provisions refer to the Department of Alcoholism and Substance Abuse which assumed responsibility for the licensure of alcoholism treatment programs in July 1988.

Additional Editorial Changes

These amendments eliminate the use of the phrase "his/her" throughout the rules. The elimination of this phrase is accomplished by rephrasing the provisions in the plural, rather than the singular, or by replacing the pronoun with the subject, such as "resident's" or "employee's." The term "etc." is also eliminated by these amendments throughout the rules. This term is usually unnecessary and may cause confusion by implying that the Department may impose additional requirements.

These amendments also eliminate the use of "(s)," "(es)," and "(ies)" at the end of words to indicate singular or plural. These changes should clarify the application of the provisions. The phrase "and/or" is also eliminated in these amendments. The amendments clarify the provisions which use this term by clearly indicating whether either or both is intended. The amendments also revise the use of numbers throughout the rules for consistency. Numbers of ten or less are written out in the rules, while numbers greater than ten are indicated by digits. The use of both forms of numbers at each occurrence is eliminated as unnecessary.

The Department believes that there will be little, if any, economic effect of these amendments on the regulated public. The elimination of some requirements may reduce costs for some regulated facilities, although such reductions are likely to be minimal.

- 16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane
Division of Governmental Affairs
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

TITLE 77 PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330
~~MINIMUM STANDARDS FOR CLASSIFICATION AND LICENSURE OF~~
SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	License
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria For Adverse Licensure Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to Be Made Available to the Public By the Department
330.230	Information to Be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitor and Receivership
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators
330.290	Alcoholism Treatment Programs
330.300	Department May Survey Facilities Formerly Licensed
330.310	Waivers
330.320	Definitions
330.330	Incorporated and Referenced Materials
330.340	

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

SUBPART B: ADMINISTRATION

330.510	Administrator
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SUBPART C: POLICIES

330.710	Resident Care Policies
330.720	Admission and Discharge Policies
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Serious Incidents and Accidents

SUBPART D: PERSONNEL

330.910	Personnel
330.920	Consultation Services
330.930	Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

330.1110	Medical Care Policies
330.1120	Personal Care
330.1130	Communicable Disease Policies
330.1135	Tuberculin Skin Test Procedures
330.1140	Behavior Emergencies

SUBPART F: RESTORATIVE SERVICES

330.1310	Activity Program
330.1320	Work Programs
330.1330	Written Policies for Restorative Services

SUBPART G: MEDICATIONS

330.1510	Medication Policies
330.1520	Administration of Medication
330.1530	Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

330.1710	Resident Record Requirements
330.1720	Content of Medical Records
330.1730	Records Pertaining to Residents' Property

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

330.1740 Retention and Transfer of Resident Records
 330.1750 Other Resident Record Requirements
 330.1760 Retention of Facility Records
 330.1770 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

330.1910 Director of Food Services
 330.1920 Dietary Staff in Addition to Director of Food Services
 330.1930 Hygiene of Dietary Staff
 330.1940 Diet Orders
 330.1950 Adequacy of Diet and Meal Pattern
 330.1960 Therapeutic Diets
 330.1970 Scheduling of Meals
 330.1980 Menu Planning
 330.1990 Food Preparation and Service
 330.2000 Food Handling Sanitation
 330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

330.2210 Maintenance
 330.2220 Housekeeping
 330.2230 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

330.2410 Furnishings
 330.2420 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

330.2610 Codes
 330.2620 Water Supply
 330.2630 Sewage Disposal
 330.2640 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

330.2810 Applicable Requirements (Repealed)
 330.2820 Applicability of These Standards
 330.2830 Submission of a Program Narrative
 330.2840 New Construction, Additions, Conversions, and Alterations
 330.2850 Preparation and Submission of Drawings and Specifications
 330.2860 First Stage Drawings
 330.2870 Second Stage Drawings

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

330.2880 Architectural Drawings
 330.2890 Structural Drawings
 330.3000 Mechanical Drawings
 330.3010 Electrical Drawings
 330.3020 Additions to Existing Structures
 330.3030 Specifications
 330.3040 Building Codes
 330.3050 Site
 330.3060 General Building Requirements ~~Building-General~~
 330.3070 Administration
 330.3080 Corridors
 330.3090 Bath and Toilet Rooms
 330.3100 Living, Dining, Activity Rooms ~~(S)~~
 330.3110 Bedrooms
 330.3120 Special Care Room
 330.3130 Kitchen
 330.3140 Laundry
 330.3150 Housekeeping, Service, and Storage
 330.3160 Plumbing
 330.3170 Heating
 330.3180 Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

330.3310 Applicable Requirements (Repealed)
 330.3320 Applicability of These Standards
 330.3330 Fire Protection
 330.3340 Fire Department Service and Water Supply
 330.3350 General Building Requirements ~~Building-General~~
 330.3360 Exit Facilities and Subdivision of Floor Areas
 330.3370 Stairways, Vertical Openings, and Doorways
 330.3380 Corridors
 330.3390 Exit Lights and Directional Signs
 330.3400 Hazardous Areas and Combustible Storage
 330.3410 Fire Alarm and Detection System
 330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
 330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

330.3610 Site
 330.3620 General Building Requirements ~~Building-General~~
 330.3630 Administration
 330.3640 Corridors
 330.3650 Bath and Toilet Rooms
 330.3660 Living, Dining, and Activity Rooms ~~(S)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

330.3670 Bedrooms
330.3680 Special Care Room
330.3690 Kitchen
330.3700 Laundry Room
330.3710 Housekeeping and Service Rooms and Storage Space
330.3720 Plumbing and Heating
330.3730 Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

330.3910 Fire Protection
330.3920 Fire Department Service and Water Supply
330.3930 Occupancy and Fire Areas
330.3940 Exit Facilities and Subdivision of Floor Areas
330.3950 Stairways, Vertical Openings, and Doorways
330.3960 Exit and Fire Escape Lights and Directional Signs
330.3970 Hazardous Areas and Combustible Storage
330.3980 Fire Alarm and Detection System
330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

330.4210 General
330.4220 Medical and Personal Care Program
330.4230 Restraints
330.4240 Abuse and Neglect
330.4250 Communication and Visitation
330.4260 Resident's Funds
330.4270 Residents' Advisory Council
330.4280 Contract With Facility
330.4290 Private Right of Action
330.4300 Transfer ~~and~~ or Discharge
330.4310 Complaint Procedures
330.4320 Confidentiality
330.4330 Facility Implementation

SUBPART R: DAY CARE PROGRAMS

330.4510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for

Sheltered Care Facilities

APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service

APPENDIX C Forms for Day Care in Long-Term Care Facilities

APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care ~~Reform~~ Act ~~of 1979~~ (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988)

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989.

NOTE: Italics and capitalization denote statutory language.

SUBPART A: GENERAL PROVISIONS

Section 330.110 General Requirements

a) Applicability

- 1) This Part applies ~~These Minimum Standards, Rules and Regulations apply~~ to the operator/licensee of facilities. ~~Facilities~~ or distinct part therein, that are to be licensed and classified to provide sheltered care.
- 2) Any license issued and in effect prior to March 1, 1980 pursuant to the ~~Nursing Homes, Sheltered Care Homes, and Homes for the Aged Act~~ (Ill. Rev. Stat. 1977, ch. 111 1/2, pars. 35.16 et seq.) shall remain valid and subject to the terms and conditions

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.110(a)(2) (continued)

of the Nursing Home Care Reform Act of 1979 (the Act) (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111 1/2, par. 4151-101) et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988) and all regulations promulgated thereunder until the expiration date shown on the face of such license.

- b) The license issued to each operator/licensee shall designate the licensee's name, facility name, address, the classification by level of service authorized for that facility, the number of beds authorized for each level, the date the license was issued and the expiration date. Such licenses shall be issued for a period ~~not to exceed one (1) year~~ of NOT LESS THAN SIX MONTHS NOR MORE THAN 18 MONTHS. The Department will set the period of the license based on the license expiration dates of the facilities in the geographical area surrounding the facility IN ORDER TO DISTRIBUTE THE EXPIRATION DATES as evenly as possible THROUGHOUT THE CALENDAR YEAR. (Section 3-110 of the Act)

- c) An applicant may request that the license issued by the Department of Public Health (the Department) have distinct parts classified according to levels of services. The distinct part must satisfactorily meet the applicable physical plant standards based on a level of service classification sought for that distinct part. If necessary to protect the health, welfare and safety of residents in a distinct part requiring higher standards, the Department shall require compliance with whatever additional physical plant standards are necessary in any distinct part ~~(s)~~, to achieve this protection. Administrative, supervisory, and other personnel may be shared by the entire facility, if so doing does not adversely affect meeting the total needs of the residents of the facility.

- d) THE OPERATOR MAY NOT ADMIT RESIDENTS IN EXCESS OF THE LICENSED CAPACITY OF THE FACILITY. (Section 2-209 of the Act) ~~(See Section 330-280 Violations and Penalties.) (B, C)~~

- e) A sheltered care facility licensed and classified under the Act shall not use in its title or description "Hospital", "Sanitarium", "Sanatorium", "Rehabilitation Center", "Skilled Nursing Facility", or any other word or description in its title or advertisements which indicates that a type of service is provided by the facility which the facility is not licensed to provide or in fact, does not provide. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.110 (continued)

- f) Any person constructing or modifying a long-term care facility or portion thereof without obtaining the required permit from the Health Facilities Planning Board shall not be eligible to apply for licensure for that facility or portion thereof (Section 13.1 of the Illinois Health Facilities Planning Act (111. Rev. Stat. 1987 ~~1983~~, ch. 111 1/2, par. 1163.1).

- g) THE LICENSEE SHALL GIVE ~~NINETY (90)~~ DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OF MORE THAN TEN PERCENT ~~(40%)~~ OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENTS WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE LICENSEE SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER THE ACT. (Section 3-423 of the Act) (A, B)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.120 Application for License

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility, ~~and/or~~ or skilled nursing facility shall submit pre-application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The pre-application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications. ~~(C)~~

- b) A pre-application for a new facility shall be accompanied by a permit as required by the ~~Illinois~~ Health Facilities Planning Act (111. Rev. Stat. ~~1983~~ 1987, ch. 111 1/2, par. 1151 et seq.). ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.120 (continued)

- c) APPLICATION FOR A LICENSE TO ESTABLISH OR OPERATE AN INTERMEDIATE CARE FACILITY, ~~AND/OR~~ OR SKILLED NURSING FACILITY SHALL BE MADE IN WRITING AND SUBMITTED, WITH OTHER SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE, ON FORMS PROVIDED BY THE DEPARTMENT. (Section 3-103(1) of the Act)
- d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF ~~TWO HUNDRED~~ 200 DOLLARS. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:
- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;
 - 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
 - 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
 - 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
 - 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act) ~~(6) (Ill. Rev. Stat., 1985 Supp., ch. 111-1/2, par. 4153-103(2)).~~
- e) Ownership Change or Discontinuation
- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold, or leased; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.120(e)(1) (continued)

- terminates; or when the licensee (whatever the entity) ceases to be. ~~(6)~~
- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases. ~~(6)~~
 - f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE ~~ILLINOIS~~ HEALTH FACILITIES PLANNING ACT. ~~4~~. AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY ~~6~~ SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act) ~~(Ill. Rev. Stat., 1985 Supp., ch. 111-1/2, par. 4153-103(3)).~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.130 Licensee

- a) The licensee is the corporate body, political subdivision, individual, or individuals responsible for the operation of the facility and upon whom rests the responsibility for meeting the licensing requirements. The licensee does not have to own the building being used.
- b) If the licensee does not own the building, a lease or management agreement between the licensee and the owner of the building is required. A copy of the lease or management agreement shall be furnished to the Department. The Department shall also be provided with a copy of all new lease agreements or any changes to existing agreements within ~~thirty~~ 30 days of the effective date of such changes. ~~(6)~~
- c) If the licensee is not a corporation or a political subdivision of the State of Illinois, each person responsible for the operation of the facility and upon whom rests the responsibility for meeting the Licensing Minimum Standards, ~~Rules and Regulations~~ shall be at

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.130(c) (continued)

least ~~eighteen~~ (18) years of age. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.140 Issuance of an Initial License For a New Facility

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE AND INSPECTION OF THE APPLICANT FACILITY, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE ~~(5)~~ YEARS; AND

2) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ~~"NURSING-HOME CARE REFORM" ACT OF 1979,~~ AND THIS PART ~~THESE~~ RULES. (Section 3-109 of the Act)

- b) THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR ~~ONE HUNDRED TWENTY~~ (120) DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)

c) DURING THE ~~ONE HUNDRED TWENTY~~ (120) DAY PERIOD OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN ~~THIRTY~~ (30) DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OR NOT THE APPLICANT THEN COMPLIES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARDS COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)

d) IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO ~~ONE HUNDRED TWENTY~~ (120) DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO ~~(2)~~ SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)

- e) Prior to actual receipt by the operator of the license certificate,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.140(e) (continued)

the operator may begin operation upon receipt of written approval by the Department.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.150 Issuance of an Initial License Due to a Change of Ownership

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR TO PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE ~~(5)~~ YEARS; AND

2) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ~~"NURSING-HOME CARE REFORM" ACT OF 1979,~~ AND THIS PART ~~THESE~~ RULES. (Section 3-109 of the Act)

- b) WHENEVER OWNERSHIP OF A FACILITY IS TRANSFERRED FROM THE PERSON NAMED IN A LICENSE TO ANY OTHER PERSON, THE TRANSFEREE MUST OBTAIN A NEW PROBATIONARY LICENSE. THE TRANSFEREE SHALL NOTIFY THE DEPARTMENT OF THE TRANSFER AND APPLY FOR A NEW LICENSE AT LEAST ~~THIRTY~~ (30) DAYS PRIOR TO FINAL TRANSFER. (Section 3-112 of the Act) ~~(G)~~

c) THE TRANSFEROR SHALL NOTIFY THE DEPARTMENT AT LEAST ~~THIRTY~~ (30) DAYS PRIOR TO FINAL TRANSFER. THE TRANSFEROR SHALL REMAIN RESPONSIBLE FOR THE OPERATION OF THE FACILITY UNTIL SUCH TIME AS THE LICENSE IS ISSUED TO THE NEW TRANSFEREE. (Section 3-112 of the Act) ~~(G)~~

d) THE LICENSE GRANTED TO THE TRANSFEREE SHALL BE SUBJECT TO A PLAN OF CORRECTION SUBMITTED BY THE PREVIOUS OWNER AND APPROVED BY THE DEPARTMENT AND ANY CONDITIONS CONTAINED IN A CONDITIONAL LICENSE ISSUED TO THE PREVIOUS OWNER. IF THERE ARE OUTSTANDING VIOLATIONS AND NO PLAN OF CORRECTION HAS BEEN SUBMITTED BY THE FACILITY AND APPROVED BY THE DEPARTMENT, THE DEPARTMENT MAY ISSUE A CONDITIONAL LICENSE AND PLAN OF CORRECTION AS PROVIDED IN SECTION 3-311 THROUGH 3-317 OF THE ~~"NURSING-HOME CARE REFORM" ACT OF 1979~~ IN PLACE OF A PROBATIONARY LICENSE. (Section 3-112 of the Act) ~~(G)~~

- e) THE TRANSFEROR SHALL REMAIN LIABLE FOR ALL PENALTIES ASSESSED AGAINST

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.150(e) (continued)

- THE FACILITY WHICH ARE IMPOSED FOR VIOLATIONS OCCURRING PRIOR TO TRANSFER OF ~~OR~~ OWNERSHIP. (Section 3-114 of the Act) ~~(G)~~
- f) THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR ~~ONE HUNDRED~~ ~~THIRTY~~ ~~(120)~~ DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)
- g) DURING THE ~~ONE HUNDRED THIRTY~~ ~~(120)~~ DAYS OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN ~~THIRTY~~ ~~(30)~~ DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OR NOT THE APPLICANT THEN COMPLIES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARD COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)
- h) IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO ~~ONE HUNDRED THIRTY~~ ~~(120)~~ DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO ~~(2)~~ SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)
- i) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the Department. Prior to actual receipt by the operator or the license certificate, the operator may begin operation upon receipt of written approval by the Department.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.160 Issuance of a Renewal License

AT LEAST ~~ONE HUNDRED THIRTY~~ ~~(120)~~ DAYS, BUT NOT MORE THAN ~~ONE HUNDRED~~ ~~FIFTY~~ ~~(150)~~ DAYS, PRIOR TO LICENSE EXPIRATION, THE LICENSEE SHALL SUBMIT AN APPLICATION FOR RENEWAL OF THE LICENSE IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE DEPARTMENT REQUIRES. IF THE APPLICATION IS APPROVED, AND THE FACILITY IS IN COMPLIANCE WITH ALL OTHER LICENSURE REQUIREMENTS, THE LICENSE SHALL BE RENEWED FOR AN ADDITIONAL ONE YEAR PERIOD. (Section 3-115 of the Act) ~~(See Section 330.240 for Municipal Licensing requirements.) (G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.165 Criteria for Adverse Licensure Actions

- a) Adverse licensure actions are determinations to deny the issuance of an initial license, to deny the issuance of a renewal of a license, or to revoke the current license of a facility.
- b) A determination by the Director or his designee to take adverse licensure action against a facility shall be based on a finding that one or more of the following criteria are met:
- 1) The facility has SUBSTANTIALLY FAILED TO MEET ANY OF THE MINIMUM STANDARDS SET FORTH IN THE ACT OR THIS PART ~~THESE RULES~~. For purposes of this provision, substantial failure is a failure to meet the requirements of this Part which is other than a variance from strict and literal performance which results only in unimportant omissions or defects given the particular circumstances involved. (Sections 3-117(1) and 3-119(a)(1) of the Act) ~~(11 Rev. Stat. 1985, ch. 111 1/2, par. 4153 117(1) and 4153 119(a)(1))~~
 - 2) THE LICENSEE OR APPLICANT, OR THE PERSON DESIGNATED TO MANAGE OR SUPERVISE THE FACILITY HAS BEEN CONVICTED OF any of the following crimes DURING THE PREVIOUS FIVE YEARS. Such convictions shall be verified by A CERTIFIED COPY OF THE RECORD OF THE COURT OF CONVICTION.
 - A) A FELONY.
 - B) TWO OR MORE MISDEMEANORS INVOLVING MORAL TURPITUDE. (Sections 3-117(2) and 3-119(a)(2) of the Act) ~~(11 Rev. Stat. 1985, ch. 111 1/2, par. 4153 117(2) and 4153 119(a)(2))~~
 - 3) THE MORAL CHARACTER OF THE LICENSEE, ADMINISTRATOR, MANAGER, OR SUPERVISOR OF THE FACILITY IS NOT REPUTABLE. Evidence to be considered will include verifiable statements by residents of a facility, law enforcement officials, or other persons with knowledge of the individual's character. In addition, the definition afforded to the terms "reputable," "unreputable," and "irreputable" by the circuit courts of the State of Illinois shall apply when appropriate to the given situation. For purposes of this Section, a manager or supervisor of the facility is an individual with responsibility for the overall management, direction, coordination, or supervision of the facility or the facility staff. (Sections 3-117(2) and 3-119(a)(2) of the Act) ~~(11 Rev. Stat. 1985, ch. 111 1/2, par. 4153 117(2) and 4153 119(a)(2))~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.165(b) (continued)

- 4) The facility is operating (or, for an initial applicant, intends to operate) with PERSONNEL WHICH ARE INSUFFICIENT IN NUMBER OR UNQUALIFIED BY TRAINING OR EXPERIENCE TO PROPERLY CARE FOR THE NUMBER AND TYPE OF RESIDENTS in the facility. Standards in these rules concerning personnel, including Sections 330.910, 330.920, and 330.930, will be considered in making this determination. (Sections 3-117(3) and 3-119(a)(3) of the Act) ~~Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(3) and 4153-119(a)(3))~~

- 5) The facility has available INSUFFICIENT FINANCIAL OR OTHER RESOURCES TO OPERATE THE FACILITY IN ACCORDANCE WITH THESE RULES. Financial information and changes in financial information provided by the facility under Section 330.120(f) and under Section 3-208 of the Act will be considered in making this determination. (Section 3-208 of the Act) ~~Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-208~~
- 6) THE FACILITY IS NOT UNDER THE DIRECT SUPERVISION OF A FULL-TIME ADMINISTRATOR as required by Section 330.510. (Sections 3-117(6) and 3-119(a)(5) of the Act) ~~Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(6) and 4153-119(a)(5))~~
- 7) The facility has violated the rights of residents of the facility by any of the following actions:

- A) A pervasive pattern of cruelty or indifference to residents has occurred in the facility.
- B) The facility has appropriated or converted for its use the property of a resident without his written consent or the consent of his legal guardian.
- C) The facility has secured property, or a bequest of property, from a resident by undue influence.
- 8) The facility knowingly submitted false information either on the licensure or renewal application forms or during the course of an inspection or survey of the facility.
- 9) The facility has refused to allow an inspection or survey of the facility by agents of the Department to occur.
- c) The Director or his designee shall consider all available evidence at the time of the determination, including the history of the facility

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.165(c) (continued)

and the applicant in complying with the Act and this Part ~~these rules~~, notices of violations which have been issued to the facility and the applicant, findings of surveys and inspections, and any other evidence provided by the facility, residents, law enforcement officials and other interested individuals.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.170 Denial of Initial License

- a) A determination by the Director or his designee to deny the issuance of an initial license shall be based on a finding that one or more of the criteria outlined in Section 330.165 or the following criteria are met.
- 1) THE APPLICANT, ANY MEMBER OF THE FIRM, PARTNERSHIP, OR ASSOCIATION WHICH IS THE APPLICANT, ANY OFFICER OR STOCKHOLDER OF THE CORPORATION WHICH IS THE APPLICANT, OR THE PERSON DESIGNATED TO MANAGE OR SUPERVISE THE FACILITY HAS BEEN CONVICTED OF ANY OF THE FOLLOWING CRIMES DURING THE PREVIOUS FIVE YEARS. Such convictions shall be verified by A CERTIFIED COPY OF THE RECORD OF THE COURT OF CONVICTION.

A) A FELONY.

B) TWO OR MORE MISDEMEANORS INVOLVING MORAL TURPITUDE. (Section 3-117(2) of the Act) ~~Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(2))~~

- 2) Prior license revocation. Both of the following conditions must be met:

A) The license of a facility under this Act has been REVOKED DURING THE PAST FIVE YEARS, which was owned or operated BY THE APPLICANT, BY A CONTROLLING OWNER OF THE APPLICANT, BY A CONTROLLING COMBINATION OF OWNERS OF THE APPLICANT, OR BY AN AFFILIATE WHO IS A CONTROLLING OWNER OF THE APPLICANT. Operation for the purposes of this provision shall include individuals with responsibility for the overall management, direction, or supervision of the facility.

B) SUCH PRIOR REVOCATION RENDERS THE APPLICANT UNQUALIFIED OR INCAPABLE OF MAINTAINING A FACILITY IN ACCORDANCE WITH THE MINIMUM STANDARDS SET FORTH IN THE ACT OR IN THIS PART

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.170(a)(2)(B) (continued)

~~THESE RULES.~~ This determination will be based on the applicant's qualifications and ability to meet the criteria outlined in Section 330.165(b) as evidenced by the application and the applicant's prior history. (Section 3-117(5) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-117(5))~~

- b) The Department shall notify an applicant IMMEDIATELY UPON DENIAL OF ANY APPLICATION. Such notice shall be IN WRITING and shall include:

1) A CLEAR AND CONCISE STATEMENT of the basis of the denial. The statement shall include a citation to the provisions of Section 3-117 of the Act and the provisions of these rules under which the application is being denied.

2) A description of THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL OF THE APPLICATION and the right to a hearing. (Section 3-118 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-118)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.175 Denial of Renewal of License

a) Application for renewal of a license of a facility shall be denied and the license of the facility shall be allowed to expire when the Director or his designee finds that a condition, occurrence, or situation in the facility meets any of the criteria specified in Section 330.165(b).

b) When the Director or his designee determines that an application for renewal of a license of a facility is to be denied, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:

- 1) A CLEAR AND CONCISE STATEMENT of the basis of the denial. The statement shall include a citation to the provisions of the Act and these rules on which the application for renewal is being denied.
- 2) A statement of the date on which the current license of the facility will expire as provided in subsection ~~Subsection (c) of this Section and Section 3-119(d) of the Act~~ ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(d))~~.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.175(b) (continued)

3) A description of THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL OF THE APPLICATION FOR RENEWAL AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(b))~~

c) The effective date of the nonrenewal of a license shall be as provided in Section 3-119(d) of the Act ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(d))~~.

d) The current license of the facility shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(d)(3))~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.180 Revocation of License

a) The license of a facility shall be revoked when the Director or his designee finds that a condition, occurrence or situation in the facility meets any of the criteria specified in Section 330.165(b). In addition, the license of a facility will be revoked when the facility fails to abate or eliminate a level A violation as provided in Section 330.282(b).

b) When the Director or his designee determines that the license of a facility is to be revoked, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:

- 1) A CLEAR AND CONCISE STATEMENT of the basis of the revocation. The statement shall include a citation to the provisions of the Act and these rules on which the license is being revoked.
 - 2) A statement of the date on which the revocation will take effect as provided in subsection (c) of this Section and Section 3-119(d) of the Act ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(d))~~.
 - 3) A description of THE RIGHT OF THE FACILITY TO APPEAL THE REVOCATION OF THE LICENSE AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111, 1/2, par. 4153-119(b))~~
- c) The effective date of the revocation of a license shall be as

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

89

Section 330.180(c) (continued)

provided in Section 3-119(d) of the Act. ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-119(d))~~

- d) The effective date of the revocation shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-119(d)(3))~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.190 Experimental Program Conflicting With Requirements

- a) Any facility desiring to conduct an experimental program or do research which is in conflict with this Part ~~these rules~~ shall submit a written request to the Department and secure prior approval. The Department will not approve experimental programs which would violate residents' rights under the Act. (A, B)
- b) The Department may grant to a facility special permission to provide day care when it has adequate facilities and staff to satisfactorily provide such services based on the requirements in Section 330.4510.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.200 Inspections, Surveys, Evaluations and Consultation

- a) The terms survey, inspection and evaluation are synonymous. These items refer to the overall examination of compliance with the Act and this ~~the regulations of the~~ Part. All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to annual inspections, surveys or evaluations by properly identified personnel of the Department, or by such other properly identified persons, including local health department staff, as the Department may designate. AN INSPECTION, SURVEY OR EVALUATION, OTHER THAN AN INSPECTION OF FINANCIAL RECORDS, SHALL BE UNANNOUNCED. CONSULTATIONS MAY BE ANNOUNCED. ~~(Ill. Rev. Stat. 1986 Supp., ch. 111 1/2, par. 4153-212)~~ The licensee, or person representing the licensee in the facility, shall provide to the representative of the Department access and entry to the premises or facility for obtaining information required to carry out this Act and the rules promulgated under the Act. IN ADDITION, REPRESENTATIVES OF THE DEPARTMENT SHALL HAVE ACCESS TO AND MAY REPRODUCE OR PHOTOCOPY AT THE DEPARTMENT'S COST ANY BOOKS, RECORDS, AND OTHER DOCUMENTS MAINTAINED BY THE

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS6588
89

Section 330.200(a) (continued)

FACILITY, THE LICENSEE OR THEIR REPRESENTATIVES TO THE EXTENT NECESSARY TO CARRY OUT THIS ACT AND THIS PART ~~THE RULES PROMULGATED THEREUNDER (Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-213)~~. A facility may charge the Department for photocopying at a rate determined by the facility not to exceed the rate in the Department's Freedom of Information rules ~~Rules~~, (2 Ill. Adm. Code 1126). (Sections 3-212 and 3-213 of the Act)

- b) BEFORE MAKING EXTRA INSPECTIONS, SURVEYS AND EVALUATIONS OF A FACILITY, THE DEPARTMENT SHALL HAVE TAKEN INTO ACCOUNT THE FOLLOWING CRITERIA:

- 1) PREVIOUS INSPECTION REPORTS;
- 2) THE FACILITY'S HISTORY OF COMPLIANCE WITH THE ACT:
 - A) PRIOR CORRECTION OF VIOLATIONS;
 - B) PRIOR ENFORCEMENT ACTIONS;
 - C) NUMBER AND SEVERITY OF PRIOR COMPLAINTS;
- 3) NUMBER AND SEVERITY OF CURRENT COMPLAINTS;
- 4) ALLEGATIONS OF RESIDENT ABUSE OR NEGLECT;
- 5) COMPLIANCE WITH DISASTER PREPAREDNESS PROVISIONS UNDER THE ACT; AND
- 6) OTHER REASONABLE BELIEF THAT DEFICIENCIES REGARDING THE ACT ~~AND/OR EXIST. (C) (Section 3-212(b) of the Act) (Ill. Rev. Stat. 1985, Supp., ch. 111 1/2, par. 4153-212(b))~~
- c) UPON THE COMPLETION OF EACH INSPECTION, SURVEY AND EVALUATION, THE REPRESENTATIVE OF THE DEPARTMENT WHO CONDUCTED THE INSPECTION, SURVEY OR EVALUATION SHALL SUBMIT A COPY OF THEIR REPORT TO THE LICENSEE OR THEIR REPRESENTATIVE, UPON EXITING THE FACILITY. A copy of the information gathered during a complaint investigation will not be provided upon exiting the facility. COMMENTS OR DOCUMENTATION PROVIDED BY THE LICENSEE WHICH MAY REFUTE FINDINGS IN THE REPORT, WHICH EXPLAIN EXTENUATING CIRCUMSTANCES THAT THE FACILITY COULD NOT REASONABLY HAVE PREVENTED OR WHICH INDICATE METHODS AND TIMETABLES FOR CORRECTION OF DEFICIENCIES DESCRIBED IN THE REPORT SHALL BE PROVIDED TO THE DEPARTMENT WITHIN ~~10~~ TEN DAYS OF RECEIPT OF THE COPY OF THE REPORT. (Section 3-212(c) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-212(c))~~

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 330.200 (continued)

Section 330.210(d) (continued)

- d) Consultation consists of providing advice or suggestions to the staff of a facility at their request relative to specific methods of the scope of regulation, method of compliance with the Act or rules, ~~and/or~~ or general matters of patient care.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.210 Filing an Annual Attested Financial Statement

a) Filing Requirement

- 1) EACH LICENSEE SHALL SUBMIT AN ANNUAL ATTESTED FINANCIAL STATEMENT TO THE DEPARTMENT. THIS FINANCIAL STATEMENT SHALL BE FILED IN A PRESCRIBED FORMAT ON FORMS SUPPLIED BY THE DEPARTMENT. THE FORMS WILL BE DEVELOPED IN CONJUNCTION WITH THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 3-208 of the Act) ~~(G)~~

- 2) The time period covered in the financial statement shall be a period determined by the Department for the initial filing, and shall thereafter coincide with the facility's fiscal year or the calendar year. ~~(G)~~

- b) THE DEPARTMENT MAY REQUIRE ANY FACILITY TO FILE AN AUDITED FINANCIAL STATEMENT, IF THE DEPARTMENT DETERMINES THAT SUCH A STATEMENT IS NEEDED. (Section 3-208 of the Act)

c) Additional Filing Requirements

- 1) THE DEPARTMENT MAY REQUIRE ANY OR ALL FACILITIES TO SUBMIT ATTESTED OR AUDITED FINANCIAL STATEMENTS MORE FREQUENTLY THAN ANNUALLY, IF THE DEPARTMENT DETERMINES THAT MORE FREQUENT FINANCIAL STATEMENTS ARE NEEDED.

- 2) THE FREQUENCY AND TIME PERIOD OF SUCH FILINGS SHALL BE AS DETERMINED BY THE DEPARTMENT FOR EACH INDIVIDUAL FACILITY. (Section 3-208 of the Act)

d) Filing Deadline and Completeness

- 1) The financial statement shall be filed with the Department within ~~ninety (90)~~ days following the end of the designated reporting period. ~~(G)~~

- 2) The financial statement will not be considered as having been filed unless all sections of the prescribed forms have been properly completed. Those sections which do not apply to a particular facility shall be noted "not applicable" on the forms. ~~(G)~~

- e) The information required to be submitted in the financial statement will include, but is not limited to, the following:

- 1) Facility information, including: facility name and address, licensure information, type of ownership, licensed bed capacity, date and cost of building construction and additions, date and cost of acquisition of buildings, building sizes, equipment costs and dates of acquisition. ~~(G)~~
- 2) Resident information, including: number and level of care of residents by source of payment, income from residents by level of care. ~~(G)~~
- 3) Cost information by level of care, including:
 - A) General service costs; such as dietary, food, housekeeping, laundry, utilities, and plant operation and maintenance. ~~(G)~~
 - B) Health care costs; such as medical director, nursing, medications, oxygen, activities, medical records, other medical services, social services, and utilization reviews. ~~(G)~~
 - C) General Administration; such as administrative salaries, professional services, fees, subscriptions, promotional, insurance, travel, clerical, employee benefits, license fees, and inservice training and education. ~~(G)~~
 - D) Ownership; such as depreciation, interest, taxes, rent, and leasing. ~~(G)~~
 - E) Special Service cost centers; such as rehabilitative and rehabilitative services, therapies, transportation, education, barber and beauty care, and gift and coffee shop. ~~(G)~~
- 4) Income information, including operating and nonoperating income. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.210(e) (continued)

- 5) Ownership information, including balance sheet and payment to owners. ~~(c)~~
- 6) Personnel information, including the number and type of people employed and salaries paid. ~~(c)~~
- 7) Related organization information, including related organizations from which services are purchased. ~~(c)~~
- f) The new owner or a new lessee of a previously licensed facility may file a projection of capital costs at the time of closing or signing of the lease. ~~(c)~~
 - 1) A facility which is licensed for the first time (a newly constructed facility) must file a projection of capital costs. ~~(c)~~
 - 2) Each of the above must file a full cost report within nine ~~(9)~~ months after acquisition (covering the first six ~~(6)~~ months of operation.). Each must also file a cost report within ~~thirty~~ ~~(90)~~ days of the close of its first complete fiscal year. ~~(c)~~
 - g) NO PUBLIC FUNDS SHALL BE EXPENDED FOR THE MAINTENANCE OF ANY RESIDENT IN ANY FACILITY WHICH HAS FAILED TO FILE THIS FINANCIAL STATEMENT, AND NO PUBLIC FUNDS SHALL BE PAID TO, OR ON BEHALF OF, A FACILITY WHICH HAS FAILED TO FILE THE STATEMENT. (Section 3-208(b) of the Act)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.220 Information to Be Made Available to the Public By the Department

- a) THE DEPARTMENT SHALL RESPECT THE CONFIDENTIALITY OF A RESIDENT'S RECORD AND SHALL NOT DIVULGE OR DISCLOSE THE CONTENTS OF A RECORD IN A MANNER WHICH IDENTIFIES A RESIDENT, EXCEPT UPON A RESIDENT'S DEATH TO A RELATIVE OR GUARDIAN, OR UNDER JUDICIAL PROCEEDINGS. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE RIGHT OF A RESIDENT OR A RESIDENT'S REPRESENTATIVE TO INSPECT OR COPY THE RESIDENT'S RECORDS. (Section 2-206(a) of the Act)
- b) CONFIDENTIAL MEDICAL, SOCIAL, PERSONAL OR FINANCIAL INFORMATION IDENTIFYING A RESIDENT SHALL NOT BE AVAILABLE FOR PUBLIC INSPECTION IN A MANNER WHICH IDENTIFIES A RESIDENT. (Section 2-206(b) of the Act) ~~(c)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.220 (continued)

- c) THE FOLLOWING INFORMATION IS SUBJECT TO DISCLOSURE TO THE PUBLIC FROM THE DEPARTMENT OR THE DEPARTMENT OF PUBLIC AID:
 - 1) INFORMATION SUBMITTED UNDER SECTIONS 3-103 AND 3-207 OF THE ACT, EXCEPT INFORMATION CONCERNING THE REMUNERATION OF PERSONNEL LICENSED, REGISTERED, OR CERTIFIED BY THE DEPARTMENT OF REGISTRATION AND EDUCATION AND MONTHLY CHARGES FOR AN INDIVIDUAL PRIVATE RESIDENT;
 - 2) RECORDS OF LICENSE AND CERTIFICATION INSPECTIONS, SURVEYS, AND EVALUATIONS OF FACILITIES, OTHER REPORTS OF INSPECTIONS, SURVEYS, AND EVALUATIONS OF RESIDENT CARE, AND REPORTS CONCERNING A FACILITY PREPARED PURSUANT TO TITLES XVIII AND XIX OF THE SOCIAL SECURITY ACT, (42 U.S.C.A. 1395 et seq. and 1396 et seq.) SUBJECT TO THE PROVISIONS OF THE SOCIAL SECURITY ACT (42 U.S.C.A. 301 et seq.);
 - 3) COST AND REIMBURSEMENT REPORTS SUBMITTED BY A FACILITY UNDER SECTION 3-208 OF THE ACT REPORTS OF AUDITS OF FACILITIES, AND OTHER PUBLIC RECORDS CONCERNING THE COST INCURRED BY, REVENUES RECEIVED BY, AND REIMBURSEMENT OF FACILITIES; AND
 - 4) COMPLAINTS FILED AGAINST A FACILITY AND COMPLAINT INVESTIGATION REPORTS, EXCEPT THAT A COMPLAINT OR COMPLAINT INVESTIGATION REPORT SHALL NOT BE DISCLOSED TO A PERSON OTHER THAN THE COMPLAINANT OR COMPLAINANT'S REPRESENTATIVE BEFORE IT IS DISCLOSED TO A FACILITY UNDER SECTION 3-702 OF THE ACT, AND, FURTHER, EXCEPT THAT A COMPLAINANT OR RESIDENT'S NAME SHALL NOT BE DISCLOSED EXCEPT UNDER SECTION 3-702 OF THE ACT. (Section 2-205 of the Act)
- d) ~~(b)~~ THE DEPARTMENT SHALL DISCLOSE INFORMATION UNDER THIS SECTION IN ACCORDANCE WITH PROVISIONS FOR INSPECTION AND COPYING OF PUBLIC RECORDS REQUIRED BY THE FREEDOM OF INFORMATION ACT (Ill. Rev. Stat. ~~1984 Supp.~~ 1987, ch. 116, par. 201 et seq.). ~~AND~~ (Section 2-205 of the Act)
- e) ~~(c)~~ HOWEVER, THE DISCLOSURE OF INFORMATION DESCRIBED IN SUBSECTION (1) SHALL NOT BE RESTRICTED BY ANY PROVISION OF THE FREEDOM OF INFORMATION ACT. (Section 2-205 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4152-205)~~
- f) ~~(d)~~ Copies of reports available to the public may be obtained by making a written request to the Department in accordance with the Department's Freedom of Information rules (2 Ill. Adm. Code 1126 ~~1124~~).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.220(f) (continued)

However, access to cost reports shall be governed by Department of Public Aid rule "Access to Cost Reports" (89 Ill. Adm. Code 140.544). The Department may, at its discretion, waive this fee if the party requesting the material is involved in legal action with the Department.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.230 Information to be Made Available to the Public By the Licensee

a) EVERY FACILITY SHALL CONSPICUOUSLY POST OR DISPLAY IN AN AREA OF IT ACCESSIBLE TO RESIDENTS, EMPLOYEES, AND VISITORS THE FOLLOWING:

- 1) ITS CURRENT LICENSE; ~~(c)~~
- 2) A DESCRIPTION, PROVIDED BY THE DEPARTMENT OF COMPLAINT PROCEDURES ESTABLISHED UNDER THE ~~"NURSING-HOME-CARE-REFORM-ACT-OF-1979"~~ AND THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A PERSON AUTHORIZED BY THE DEPARTMENT TO RECEIVE COMPLAINTS; ~~(c)~~
- 3) A COPY OF ANY ORDER PERTAINING TO THE FACILITY ISSUED BY THE DEPARTMENT OR A COURT; AND ~~(c)~~
- 4) A LIST OF THE MATERIAL AVAILABLE FOR PUBLIC INSPECTION UNDER SECTION 3-210 OF THE ~~"NURSING-HOME-CARE-REFORM-ACT-OF-1979"~~ (Section 2-209 of the Act) ~~(c)~~

b) A FACILITY SHALL RETAIN THE FOLLOWING FOR PUBLIC INSPECTION:

- 1) A COMPLETE COPY OF EVERY INSPECTION REPORT OF THE FACILITY RECEIVED FROM THE DEPARTMENT DURING THE PAST FIVE ~~(5)~~ YEARS; ~~(c)~~
- 2) A COPY OF EVERY ORDER PERTAINING TO THE FACILITY ISSUED BY THE DEPARTMENT OR A COURT DURING THE PAST FIVE ~~(5)~~ YEARS; ~~(c)~~
- 3) A DESCRIPTION OF THE SERVICES PROVIDED BY THE FACILITY AND THE RATES CHARGED FOR THOSE SERVICES AND ITEMS FOR WHICH A RESIDENT MAY BE SEPARATELY CHARGED; ~~(c)~~
- 4) A COPY OF THE STATEMENT OF OWNERSHIP REQUIRED BY SECTION 3-207 OF THE ~~"NURSING-HOME-CARE-REFORM-ACT-OF-1979"~~; AND ~~(c)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.230(b) (continued)

5) A RECORD OF PERSONNEL EMPLOYED OR RETAINED BY THE FACILITY WHO ARE LICENSED, CERTIFIED OR REGISTERED BY THE DEPARTMENT OF PROFESSIONAL REGULATION ~~REGISTRATION-AND-EDUCATION~~. (Section 2-210 of the Act) ~~(c)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.240 Municipal Licensing

- a) Municipalities which have adopted a licensing ordinance as provided under Section 3-104 of the ~~"Nursing-Home-Care-Reform-Act-Of-1979"~~ and this Part ~~these rules~~ shall adopt this Part ~~these Minimum Standards, Rules and Regulations for Sheltered Care Facilities by reference~~ by complying with Article I, Division 3, of the Illinois Municipal Code (Ill. Rev. Stat. ~~1979~~ 1987, ch. 24, pars. 1-3-1 et seq.).
- b) Municipalities shall issue licenses so that the expiration dates are distributed throughout the calendar year. The month the license expires shall coincide with the date of original licensure of the licensee. During the ~~twenty-four-(24)-~~ month period following the effective date of the ~~"Nursing-Home-Care-Reform-Act-Of-1979"~~, the municipality may issue renewal licenses for period of less than one ~~(1)-~~ year in order to distribute the expiration date of such licenses throughout the calendar year.
- c) The municipality shall notify the Department within ten ~~(10)-~~ days from the date of issuance or denial of a license that the municipal license has been issued or denied. If the license is issued the notice will include the facility name, address, the date of issuance and the number of beds by level of care for which the license was issued. If the license is denied the notice will indicate reason for denial and the current status of licensee's (applicant's) application for municipal license.

d) The municipality shall use the same licensing classifications as the Department; and a facility may not be licensed for a different classification by the Department than by the municipality.

e) The Department and the municipality shall have the right at any time to visit and inspect the premises and personnel of any facility for the purpose of determining whether the applicant or licensee is in compliance with the ~~"Nursing-Home-Care-Reform-Act-Of-1979"~~. This Part or with the local ordinances which govern the regulation of

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.240(e) (continued)

the facility. The Department may survey any former facility which once held a license to insure that the facility is not again operating without a license. Municipalities may charge a reasonable license or renewal fee for the regulation of facilities, which fees shall be in addition to the fees paid to the Department.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.250 Ownership Disclosure

- a) AS A CONDITION OF THE ISSUANCE OR RENEWAL OF THE LICENSE OF ANY FACILITY, THE APPLICANT SHALL FILE A STATEMENT OF OWNERSHIP. THE APPLICANT SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN ~~AGREE TO~~ ~~UPDATE~~ THE INFORMATION REQUIRED IN THE STATEMENT OF OWNERSHIP ~~EVERY~~ ~~WITHIN TEN DAYS OF THE CHANGE.~~ (Section 3-207(a) of the Act) ~~EVERY~~ ~~SIX (6) MONTHS FROM THE INITIAL DATE OF FILING IF THERE IS ANY~~ ~~CHANGE.~~ (C)

- b) A STATEMENT OF OWNERSHIP SHALL INCLUDE THE FOLLOWING:

- 1) The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five ~~(5)~~ percent or more in the legal entity designated as the operator/licensee of the facility which is the subject of the application or license; ~~(C)~~
- 2) The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five ~~(5)~~ percent or more in the legal entity that owns the building in which the operator/licensee is operating the facility which is the subject of the application or license; and ~~(C)~~
- 3) THE NAME AND ADDRESS OF ANY FACILITY WHEREVER LOCATED, IN WHICH THE APPLICANT HAS ANY OWNERSHIP INTEREST. (Section 3-207(b) of the Act)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.260 Issuance of Conditional Licenses

- a) THE DIRECTOR MAY ISSUE A CONDITIONAL LICENSE TO ANY FACILITY IF THE DIRECTOR FINDS THAT EITHER A TYPE "A" OR TYPE "B" VIOLATION EXISTS IN SUCH FACILITY. THE ISSUANCE OF A CONDITIONAL LICENSE SHALL REVOKE ANY LICENSE HELD BY THE FACILITY. (Section 3-311 of the Act)
- b) PRIOR TO THE ISSUANCE OF A CONDITIONAL LICENSE, THE DEPARTMENT SHALL REVIEW AND APPROVE A WRITTEN PLAN OF CORRECTION. THE DEPARTMENT SHALL SPECIFY THE VIOLATIONS WHICH PREVENT FULL LICENSE AND SHALL ESTABLISH A TIME SCHEDULE FOR CORRECTION OF THE DEFICIENCIES. RETENTION OF THE LICENSE SHALL BE CONDITIONAL UPON THE CORRECTION OF THE DEFICIENCIES IN ACCORDANCE WITH THE PLAN OF CORRECTION. (Section 3-312 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-312.)~~
- c) WRITTEN NOTICE OF THE DECISION TO ISSUE A CONDITIONAL LICENSE SHALL BE SENT TO THE APPLICANT OF LICENSEE TOGETHER WITH THE SPECIFICATION OF ALL VIOLATIONS OF THIS ACT AND THE RULES PROMULGATED THEREUNDER WHICH PREVENT FULL LICENSE AND WHICH FORM THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE AND THE REQUIRED PLAN OF CORRECTION. THE NOTICE SHALL INFORM THE APPLICANT OR LICENSEE OF ITS RIGHT TO A FULL HEARING UNDER SECTION 3-315 OF THE ACT. (Section 3-313 of the Act)
- ~~d) IF THE FACILITY DESIRES TO HAVE AN INFORMAL CONFERENCE, IT SHALL, WITHIN FOUR (4) WORKING DAYS FROM RECEIPT OF THE NOTICE UNDER THE ACT SEND A WRITTEN REQUEST FOR AN INFORMAL CONFERENCE TO THE DEPARTMENT. THE DEPARTMENT SHALL, WITHIN FOUR (4) WORKING DAYS FROM THE RECEIPT OF THE REQUEST, HOLD AN INFORMAL CONFERENCE. FOLLOWING THIS CONFERENCE, THE DEPARTMENT MAY AFFIRM OR OVERRULE ITS PREVIOUS DECISION, OR MODIFY THE TERMS OF THE CONDITIONAL LICENSE AND PLAN OF CORRECTION. THE CONDITIONAL LICENSE MAY BE ISSUED AFTER THE INFORMAL CONFERENCE OF AFTER THE TIME FOR REQUESTING AN INFORMAL CONFERENCE HAS EXPIRED, PRIOR TO ANY FURTHER HEARING.~~
- d) IF THE APPLICANT OF LICENSEE DESIRES TO PROTEST THE BASIS FOR ISSUANCE OF A CONDITIONAL LICENSE, OR THE TERM OF THE LICENSE OR PLAN OF CORRECTION, THE APPLICANT OR LICENSEE SHALL SEND A WRITTEN REQUEST FOR HEARING TO THE DEPARTMENT WITHIN TEN ~~(10)~~ DAYS AFTER RECEIPT BY THE APPLICANT OF LICENSEE OF THE DEPARTMENT'S NOTICE AND DECISION TO ISSUE A CONDITIONAL LICENSE. THE DEPARTMENT SHALL HOLD THE HEARING AS PROVIDED UNDER THE ACT. (Section 3-315 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-315.)~~
- e) ~~f)~~ A CONDITIONAL LICENSE SHALL BE ISSUED FOR A PERIOD SPECIFIED BY THE DEPARTMENT, BUT IN NO EVENT FOR MORE THAN ONE ~~(1)~~ YEAR. THE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.250(e) (continued)

DEPARTMENT SHALL PERIODICALLY INSPECT ANY FACILITY OPERATING UNDER A CONDITIONAL LICENSE. IF THE DEPARTMENT FINDS SUBSTANTIAL FAILURE BY THE FACILITY TO CORRECT THE VIOLATIONS WHICH PREVENTED FULL LICENSURE AND FORMED THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE IN ACCORDANCE WITH THE REQUIRED PLAN OF CORRECTION, THE CONDITIONAL LICENSE MAY BE REVOKED AS PROVIDED UNDER THE ACT. (Section 3-316 of the Act) ~~ch. 111-112, par. 4153-316, (Ill. Rev. Stat. 1985 Supp.,~~

~~(g) IF THE DEPARTMENT DETERMINES THAT A CONDITIONAL LICENSE SHALL EXPIRE WITHOUT RENEWAL OR REPLACEMENT OF THE CONDITIONAL LICENSE BY A REGULAR LICENSE, THE DEPARTMENT SHALL SO NOTIFY THE LICENSEE AT LEAST THIRTY (30) DAYS PRIOR TO EXPIRATION OF THE LICENSE. THE LICENSEE IS ENTITLED TO A HEARING UNDER THE ACT IF REQUESTED PRIOR TO EXPIRATION OF THE LICENSE.~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.270 Monitor and Receivership

a) The Department may place an employee or agent to serve as a monitor in a facility when any of the following conditions exist:

- 1) THE FACILITY IS OPERATING WITHOUT A LICENSE;
- 2) THE DEPARTMENT HAS SUSPENDED, REVOKED OR REFUSED TO RENEW THE EXISTING LICENSE OF THE FACILITY;
- 3) THE FACILITY IS CLOSING OR HAS INFORMED THE DEPARTMENT THAT IT INTENDS TO CLOSE AND ADEQUATE ARRANGEMENTS FOR RELOCATION OF RESIDENTS HAVE NOT BEEN MADE AT LEAST 30 DAYS PRIOR TO CLOSURE; OR

4) THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS, WHETHER OR NOT IT HAS INITIATED REVOCATION OR NONRENEWAL PROCEDURES, IF BECAUSE OF THE UNWILLINGNESS OF INABILITY OF THE LICENSEE TO REMEDY THE EMERGENCY THE DEPARTMENT BELIEVES A MONITOR IS NECESSARY. (Section 3-501 of the Act) ~~ch. 111-112, par. 4153-501, (Ill. Rev. Stat. 1983,~~

b) The monitor shall meet the following minimum requirements:

- 1) be in good physical health as evidenced by a physical examination by a physician within the last year;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.270(b) (continued)

- 2) have an understanding of the needs of nursing home residents as evidenced by one year of experience in working with the elderly in programs such as patient care, social work or advocacy;
- 3) have an understanding of the ~~Nursing Home Care Reform Act (hereinafter, the Act)~~ and this Part ~~the rules and regulations promulgated to enforce the Act~~ which are the subject of the monitor's duties as evidenced in a personal interview of the candidate;
- 4) not be related to the owners of the involved facility through blood, marriage or common ownership of real or personal property except ownership of stock that is traded on a stock exchange;
- 5) successfully completed a baccalaureate degree; ~~and/or~~ and
- 6) two years full-time work experience in the long-term care industry of the State of Illinois.

c) The monitor shall be under the supervision of the ~~Division of Enforcement, Office of Health Regulation, Illinois~~ Department of ~~Public Health~~; shall perform the duties of a monitor delineated in Section 3-502 of the Act; and accomplish the following actions:

- 1) visit the facility at least five ~~(5)~~ days per week or as directed by the Department;
- 2) review all records pertinent to the condition for such monitor's placement under subsection (a) of this Section ~~above~~;
- 3) provide to the Department ~~Division of Enforcement, Office of Health Regulation,~~ a weekly written report and a daily oral report detailing the observed conditions of the facility; and
- 4) shall be available as a witness for hearings involving the condition for placement as monitor.

d) All communications, including but not limited to data, memoranda, correspondence, records and reports shall be transmitted to and become the property of the Department, plus, findings and results of the monitor's work done under this Part ~~these rules and regulations~~ shall be strictly confidential and not subject to disclosure without written authorization from the Department or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the

Section 330.270(d) (continued)

confidentiality requirements of the ~~Nursing Home Care Reform Act of 1979~~.

- e) The assignment as monitor may be terminated at any time by the ~~Department Division of Enforcement, Office of Health Regulation~~.
- f) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health-care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:

- 1) be in good physical and mental health as evidenced by a physical examination by a physician within the last year;
 - 2) have an understanding of the needs of nursing home residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working with the elderly in programs such as patient care, social work, or advocacy;
 - 3) have an understanding and working knowledge of the Act and this ~~Part rules and regulations promulgated thereunder~~ as evidenced by a personal interview of the candidate;
 - 4) have successfully completed a baccalaureate degree; and
 - 5) have two years full-time working experience in the Illinois long-term care industry.
- g) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date which concern the facility.
- h) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.
- i) In the case of Department ordered patient transfers, the receiver may:
- 1) assist in providing for the orderly transfer of all residents in

Section 330.270(1)(1) (continued)

the facility to other suitable facilities, or make other provisions for their continued health;

- 2) assist in providing for transportation of the resident, his medical records and his belongings if he is transferred or discharged; assist in locating alternative placement; assist in preparing the resident for transfer; and permit the resident's legal guardian to participate in the selection of the resident's new location;
- 3) unless emergency transfer is necessary, explain alternative placements to the resident and provide orientation to the place chosen by the resident or resident's guardian.
- j) IN ANY ACTION OR SPECIAL PROCEEDING BROUGHT AGAINST A RECEIVER IN THE RECEIVER'S OFFICIAL CAPACITY FOR ACTS COMMITTED WHILE CARRYING OUT THE AFORESAID POWERS AND DUTIES, THE RECEIVER SHALL BE CONSIDERED A PUBLIC EMPLOYEE UNDER THE ~~"LOCAL GOVERNMENTAL AND GOVERNMENTAL EMPLOYEES TORT IMMUNITY ACT (111. Rev. Stat. 1987-1989, ch. 85, par. 1-101 et seq.)"~~ A RECEIVER MAY BE HELD LIABLE IN A PERSONAL CAPACITY ONLY FOR THE RECEIVER'S OWN GROSS NEGLIGENCE, INTENTIONAL ACTS OR BREACH OF FIDUCIARY DUTY. (Section 3-513 of the Act) ~~---Rev. Stat. 1983, ch. 111 1/2, par. 4152-513---~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.272 Determination to Issue a Notice of Violation or Administrative Warning

- a) Upon receipt of a report of an inspection, survey or evaluation of a facility, the Director or his designee shall review the findings contained in the report to determine WHETHER THE REPORT'S FINDINGS CONSTITUTE A VIOLATION OR VIOLATIONS OF WHICH THE FACILITY MUST BE GIVEN NOTICE and which THREATEN THE HEALTH, SAFETY, OR WELFARE OF A RESIDENT OR RESIDENTS. All information, evidence, and observations made during an inspection, survey or evaluation shall be considered findings or deficiencies. (Section 3-212(c) of the Act)
- b) In making this determination, the Director or his designee shall consider any COMMENTS AND DOCUMENTATION PROVIDED BY THE FACILITY within ~~10~~ ten days of receipt of the report in accordance with Section 330.200(c). (Section 3-212(c) of the Act)
- c) In determining whether the findings warrant the issuance of a notice

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.272(c) (continued)

of violation, the Director or his designee shall base his determination on the following factors:

- 1) THE SEVERITY OF THE FINDING. The Director or his designee will consider whether the finding constitutes a merely technical non-substantial error or whether the finding is serious enough to constitute an actual violation of the intent and purpose of the standard.
- 2) THE DANGER POSED TO RESIDENT HEALTH AND SAFETY. The Director or his designee will consider whether the finding could pose any direct ~~or indirect~~ harm to the residents.
- 3) THE DILIGENCE AND EFFORTS TO CORRECT DEFICIENCIES AND CORRECTION OF REPORTED DEFICIENCIES BY THE FACILITY. Consideration will be given to any evidence provided by the facility in its comments and documentation that steps have been taken to reduce noted findings and to insure a reduction of deficiencies.
- 4) THE FREQUENCY AND DURATION OF SIMILAR FINDINGS IN PREVIOUS REPORTS AND THE FACILITY'S GENERAL INSPECTION HISTORY. The director or his designee will consider whether the same finding or a similar finding relating to the same condition or occurrence has been included in previous reports and the facility has allowed the condition or occurrence to continue or to recur. (Section 3-212(c) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-212(c))~~

- d) If the Director or his designee determines that the report's findings constitute a violation or violations which do not directly threaten the health, safety, or welfare of a resident or residents, the DEPARTMENT SHALL ISSUE AN ADMINISTRATIVE WARNING as provided in Section 330.377. (Section 3-303.2(a) of the Act)

~~d)~~ e) VIOLATIONS SHALL BE DETERMINED UNDER THIS SECTION NO LATER THAN 60 DAYS AFTER COMPLETION OF EACH INSPECTION, SURVEY AND EVALUATION. (Section 3-212(c) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-212(c))~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.274 Determination of the Level of a Violation

- a) After determining that issuance of a notice of violation is warranted

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.274(a) (continued)

and prior to issuance of the notice, the Director or his designee will review the findings which are the basis of the violation and any comments and documentation provided by the facility to determine the level of the violation. Each violation shall be determined to be either a level A ~~or level B~~ ~~or level C~~ violation based on the criteria outlined in this Section.

- b) The following definitions of levels of violations shall be used in determining the level of each violation:

- 1) A "level A violation" or "type A violation" is a VIOLATION OF THE ACT OR THESE RULES WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM WILL RESULT THEREFROM. (Section 1-129 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4151-129)~~

- 2) A "level B violation" or "type B violation" is a VIOLATION OF THE ACT OR THESE RULES WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT (Section 1-130 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4151-130)~~

- 3) A "level C violation" or "type C violation" is a VIOLATION OF ~~THE ACT OR THESE RULES WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY WHICH INDIRECTLY THREATENS THE HEALTH, SAFETY OR WELFARE OF A RESIDENT.~~ (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4151-131)

- c) In determining the level of a violation, the Director or his designee shall consider the following criteria:

- 1) The specific requirements of this part which have been violated and the designated level of violation for those provisions.

- A) The designated level of violation is indicated by the letter or letters in parentheses following specific provisions. The presence of more than one letter following a specific provision indicates that the provision may be applicable to different levels of violation. The absence of any letter following a specific provision indicates that no designated level of violation applicable to that provision has been determined.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.274(c)(1) (continued)

- B) The designated level of violation will be considered in conjunction with the other criteria contained in subsections (c)(2) and (c)(3) of this Section which may increase or decrease the level of violation cited for a specific violation, except that no violation of ~~a requirement designated as level C~~ will be cited as a level B violation unless there is a direct threat to the health, safety or welfare of a resident, or as a level A violation unless there is a substantial probability of the death of a resident or serious mental or physical harm to a resident.

- 2) The degree of danger to the resident or residents which is posed by the condition or occurrence in the facility. The following factors will be considered in assessing the degree of danger:

- A) Whether the resident or residents of the facility are able to recognize conditions or occurrences which may be harmful and are able to take measures for self-preservation and self-protection. The extent of nursing care required by the residents as indicated by review of patient needs will be considered in relation to this determination.
- B) Whether the resident or residents have access to the area of the facility in which the condition or occurrence exists and the extent of such access. A facility's use of barriers, warning notices, instructions to staff and other means of restricting resident access to hazardous areas will be considered.
- C) Whether the condition or occurrence was the result of inherently hazardous activities or negligence by the facility.
- D) Whether the resident or residents of the facility were notified of the condition or occurrence and the promptness of such notice. Failure of the facility to notify residents of potentially harmful conditions or occurrences will be considered. The adequacy of the method of such notification and the extent to which such notification reduced the potential danger to the residents will also be considered.
- 3) The directness and imminence of the danger to the resident or residents by the condition or occurrence in the facility. In

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.274(c)(3) (continued)

assessing the directness and imminence of the danger, the following factors will be considered:

- A) Whether actual harm, including death, physical injury or illness, mental injury or illness, distress, or pain, to a resident or residents resulted from the condition or occurrence and the extent of such harm.
- B) Whether available statistics and records from similar facilities indicate that direct and imminent danger to the resident or residents has resulted from similar conditions or occurrences and the frequency of such danger.
- C) Whether professional opinions and findings indicate that direct and imminent danger to the resident or residents will result from the condition or occurrence.
- D) Whether the condition or occurrence was limited to a specific area of the facility or was widespread throughout the facility. Efforts taken by the facility to limit or reduce the scope of the area affected by the condition or occurrence will be considered.
- E) Whether the physical, mental, or emotional state of the resident or residents, who are subject to the danger, would facilitate or hinder harm actually resulting from the condition or occurrence.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.276 Notice of Violation

- a) EACH NOTICE OF VIOLATION SHALL BE IN WRITING AND SHALL CONTAIN THE FOLLOWING INFORMATION:

- 1) A description of THE NATURE OF THE VIOLATION.
- 2) A citation of the specific STATUTORY PROVISION OR RULE which the Department believes has been violated. (Section 3-301 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-301)~~
- 3) A statement of the level of the violation as determined pursuant to Section 330.274.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.276(a) (continued)

4) One of the following requirements for corrective action:

A) For level A violations, a statement that necessary corrective action to ABATE OR ELIMINATE the violation must be taken IMMEDIATELY or within a SPECIFIC FIXED PERIOD OF TIME NOT EXCEEDING 15 DAYS. In setting this period, the Department will consider whether harm to residents of the facility is imminent, whether necessary precautions can be taken to protect residents before the corrective action is completed, and whether delay would pose additional risks to the residents.

B) For level B violations ~~and level C violations~~, a REQUEST that the facility submit A PLAN OF CORRECTION WITHIN ~~10~~ TEN DAYS OF THE RECEIPT OF THE NOTICE OF VIOLATION pursuant to Section 3-303 of the Act ~~(Ill. Rev. Stat. 1985, ch. 112, par. 4153-303)~~ and Section 330.278 of this Part. (Section 3-301 of the Act)

5) A statement that the Department may take additional action under the Act, including assessment of penalties or licensure action.

6) A description of the licensee's right to appeal the notice and its right to a hearing.

b) Each notice of violation shall be sent to the facility and the licensee ~~by registered mail~~ or served personally at the facility WITHIN TEN DAYS after the Director or his designee determines that issuance of a notice of violation is warranted under Section 300.272. (Section 3-301 of the Act).

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 300.277 Administrative Warning

a) Each administrative warning shall be in writing and shall include the following information:

1) A description of the nature of the violation.

2) A citation of the specific statutory provision or rule which the Department believes has been violated.

3) A statement that the FACILITY SHALL BE RESPONSIBLE FOR

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.277(a)(3) (continued)

CORRECTING THE SITUATION, CONDITION, OR PRACTICE. (Section 3-303.2(a) of the Act)

b) Each administrative warning shall be sent to the facility and the licensee or served personally at the facility within ten days after the Director or his designee determines that issuance of an administrative warning is warranted under Section 330.272.

c) The facility is not required to submit a plan of correction in response to an administrative warning.

d) If the Department finds, during THE NEXT ON-SITE INSPECTION WHICH OCCURS MORE THAN 90 DAYS AFTER THE ISSUANCE OF THE ADMINISTRATIVE WARNING, that the facility has not CORRECTED THE SITUATION, CONDITION, OR PRACTICE WHICH RESULTED IN THE ISSUANCE OF THE ADMINISTRATIVE WARNING, the Department shall notify the facility of the finding. The facility must then SUBMIT A WRITTEN PLAN OF CORRECTION as provided in Section 330.278. The Department will consider the plan of correction and take any necessary action in accordance with Section 330.278. (Section 3-303.2(b) of the Act)

(Source: Added at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.278 Plans of Correction

a) A FACILITY SHALL HAVE ~~10~~ TEN DAYS AFTER RECEIPT OF A NOTICE OF VIOLATION FOR A LEVEL B OR ~~LEVEL C~~ VIOLATION, or after receipt of a notice under Section 300.277(d) of failure to correct a situation, condition, or practice which resulted in the issuance of an administrative warning, TO PREPARE AND SUBMIT A PLAN OF CORRECTION to the Department. (Section 3-303(b) of the Act)

b) Within the ~~10~~ ten-day period, a facility may request additional time for submission of the plan of correction. The Department will extend the period for submission of the plan of correction for an additional 30 days, when it finds that corrective action by a facility to abate or eliminate the violation will require SUBSTANTIAL CAPITAL IMPROVEMENT. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the facility in determining whether to grant a requested extension. (Section 3-303(b) of the Act)

c) Each plan of correction shall be based on an assessment by the facility of the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.278(c) (continued)

procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:

- 1) A description of the specific corrective action the facility is taking, or plans to take, to abate, eliminate, or correct the violation cited in the notice.
- 2) A description of the steps which will be taken to avoid future occurrences of the same and similar violations.
- 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.
- e) The Department shall review each plan of correction to insure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:

- 1) The plan does not appear to address the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences.
- 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
- 3) The plan does not provide for measures which will abate or eliminate, or correct the violation.
- 4) The plan does not provide steps which will avoid future occurrences of the same and similar violations.
- 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the residents, and the extent and complexity of the corrective action.

- f) When the Department rejects a submitted plan of correction, it shall notify the facility. The notice of rejection shall be in writing and shall specify THE REASON FOR THE REJECTION. THE FACILITY SHALL HAVE 10 TEN DAYS AFTER RECEIPT OF THE NOTICE OF REJECTION TO SUBMIT A

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.278(f) (continued)

MODIFIED PLAN. (Section 3-303(b) of the Act)

- g) If a facility fails to submit a plan or modified plan meeting the criteria in subsection (c) within the prescribed time periods in subsection (a) or subsection (d), AN APPROVED PLAN OF CORRECTION WILL BE IMPOSED BY THE DEPARTMENT. (Section 3-303(b) of the Act) ~~(Rev. Stat. 1985, ch. 111-1/2, par. 4153-303(b))~~

- h) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.280 Reports of Correction

- a) In lieu of submission of a plan of correction, a facility may submit a report of correction if the corrective action has been completed. The report of correction must be submitted within the time periods required in Section 330.278 for submission of a plan of correction.

- b) Each report of correction shall be based on an assessment by the facility of the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each report of correction shall include:

- 1) A description of the specific corrective action the facility has taken to abate, eliminate, or correct the violation cited in the notice.
- 2) A description of the steps which have been taken to avoid future occurrences of the same and similar violations.
- 3) The specific date on which the corrective action was completed.
- 4) A signed statement by the administrator of the facility that the report of correction is true and accurate, which shall be considered an oath for the purposes of any legal proceedings.
- c) Submission of a report of correction shall not be considered an admission by the facility that the violation has occurred.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.280 (continued)

- d) The Department shall review and approve or disapprove the report of correction based on the criteria outlined in Section 330.278(d) for review of plans of correction. If a report of correction is disapproved, the facility shall be subject to a plan of correction imposed by the Department as provided in Section 330.278.
- e) The Department shall verify the completion of the corrective action outlined in the report of correction during subsequent investigations, surveys and evaluations of the facility.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.282 Conditions for Assessment of Penalties

The Department shall consider the assessment of a monetary penalty against a facility under the following conditions:

- a) When a notice of violation for a level A violation is issued.
- 1) The penalty to be assessed for this violation shall be the greater of the following:
- A) An amount NOT LESS THAN \$5000 as determined by the Director or his designee considering the factors outlined in Section 330.286(a), or
- B) The total of the following:
- 1) \$5 PER RESIDENT IN THE FACILITY, PLUS
- 11) \$.20 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY ON WHICH THE NOTICE OF VIOLATION IS RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(1) of the Act) ~~(11, Rev. Stat. 1985, ch. 111-172, par. 4153-305(1))~~
- 2) The facility shall also be issued a conditional license for a period of six months as provided in Section 330.260.
- b) When a facility fails to abate or eliminate a level A violation immediately or within the period set by the Department in the notice of violation pursuant to Section 330.276(a)(4)(A).

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.282(b) (continued)

- 1) The facility shall be cited for a repeat violation.
- 2) The penalty to be assessed shall be three times the penalty computed under subsection (a)(1) of this Section.
- 3) The license of the facility shall be revoked as provided in Section 330.180.
- c) When a notice of violation for a level B violation is issued.
- 1) The penalty to be assessed for this violation shall be the greater of the following:
- A) An amount NOT LESS THAN \$500 as determined by the Director or his designee considering the factors outlined in Section 330.286(a), or
- B) The total of the following:
- 1) \$3 PER RESIDENT IN THE FACILITY, PLUS
- 11) \$.15 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY ON WHICH THE NOTICE OF VIOLATION IS RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(2) of the Act) ~~(11, Rev. Stat. 1985, ch. 111-172, par. 4153-305(2))~~
- 2) Upon acceptance of a plan of correction by the Department, assessment of the penalty shall be suspended by the Department. No additional penalty shall be imposed for days during which the plan of correction is in effect.
- d) When a facility fails to correct a level B violation within the time period specified in the plan of correction approved by the Department.
- 1) The facility shall be cited for a repeat violation.
- 2) The penalty to be assessed shall be computed in accordance with subsection (c)(1) of this Section. Days during which the plan of correction was in effect shall be included in the calculation of the penalty.
- 3) The facility shall also be issued a conditional license for a period of at least six months as provided in Section 330.260.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.282 (continued)

- ~~e) When a facility fails to implement the corrective action required in the plans of correction for ten or more level C violations within the time period required in the plans of correction approved by the Department and fails to substantially address the issues raised by the violations routinely throughout the facility.~~
- ~~1) The facility shall be cited for repeat violations.~~
 - ~~2) The penalty to be assessed shall be calculated as the total of the following:~~
 - ~~A) \$1.50 PER RESIDENT IN THE FACILITY, PLUS~~
 - ~~B) \$1.10 PER RESIDENT FOR EACH DAY OF THE REPEAT VIOLATIONS COMMENCING ON THE DAY ON WHICH THE NOTICES OF THE REPEAT VIOLATIONS ARE RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (111 Rev. Stat. 1985, ch. 111 1/2, par. 4153.305(3))~~

- ~~e) f) WHEN A NOTICE OF VIOLATION IS ISSUED FOR A VIOLATION OF ARTICLE II OF THE ACT (111 Rev. Stat. 1985, ch. 111 1/2, par. 4152.101 through par. 4152.212) WITH REGARD TO THE RIGHTS OF A PARTICULAR RESIDENT OF THE FACILITY, THE DEPARTMENT SHALL ORDER THE FACILITY TO REIMBURSE THE RESIDENTS FOR ANY INJURIES INCURRED OR IF THE AMOUNT OF THE INJURIES IS LESS THAN \$100, THE DEPARTMENT SHALL ORDER THE FACILITY TO PAY \$100 TO THE RESIDENT. (Section 3-305(6) of the Act) (111 Rev. Stat. 1985, ch. 111 1/2, par. 4153.305(7))~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.284 Calculation of Penalties

- a) For the purpose of calculating penalties as provided in Section 330.282, EACH DAY ON WHICH A VIOLATION CONTINUES TO EXIST AFTER THE DAY ON WHICH NOTICE OF THE VIOLATION IS RECEIVED BY THE FACILITY SHALL BE CONSIDERED A SEPARATE VIOLATION. The Department shall not be required to send additional notices of violation to the facility for such continuing violations. (Section 3-302 of the Act) (111 Rev. Stat. 1985, ch. 111 1/2, par. 4153.302)
- b) For purposes of calculating penalties as provided in Section 330.282, THE NUMBER OF RESIDENTS IN THE FACILITY AND THE NUMBER OF RESIDENTS ON EACH DAY SHALL BE CALCULATED AS THE AVERAGE NUMBER OF RESIDENTS IN THE FACILITY DURING THE ~~THIRTY~~ 30 DAYS IMMEDIATELY PRECEDING THE

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.284(b) (continued)

DAY ON WHICH THE FINDINGS WERE MADE IN THE FACILITY AND THE CONDITIONS OR OCCURRENCES DETERMINED TO BE A VIOLATION WERE DISCOVERED. The number of residents in the facility on the day on which the findings were made in the facility will be considered to be the same as the average number of residents in the facility during the preceding ~~thirty~~ 30 days, unless evidence is provided by the facility substantiating that the average number of residents for that period was different. Changes in the number of residents in the facility subsequent to the day on which the findings were made shall not be considered in the calculation. (Section 3-305(5) of the Act) (111 Rev. Stat. 1985, ch. 111 1/2, par. 4153.305(6))

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.286 Determination to Assess Penalties

- a) The Director or his designee shall consider the following factors in determining whether or not to assess penalties for violations under the conditions outlined in Section 330.282.
 - 1) THE SEVERITY OF HARM, INCLUDING DEATH OR SERIOUS PHYSICAL OR MENTAL HARM, WHICH HAS RESULTED TO A RESIDENT AND THE EXTENT TO WHICH RESIDENTS HAVE BEEN SUBJECT TO POTENTIAL SERIOUS HARM. A penalty will be assessed when the Director or his designee finds that death or serious physical or mental harm to a resident has occurred or that the facility has knowingly subjected residents to potential serious harm.
 - 2) THE GRAVITY OF THE VIOLATION AND THE EXTENT TO WHICH THE PROVISIONS OF THE ACT OR THIS PART ~~RULES~~ WERE VIOLATED. The Director or his designee will assess a monetary penalty if he finds that the violation occurred or continued, is widespread throughout the facility or evidences flagrant violation or the Act or this Part ~~these rules~~.
 - 3) THE EXTENT AND SERIOUSNESS OF ANY PREVIOUS VIOLATIONS COMMITTED BY THE FACILITY AND THE EXTENT OF DILIGENCE EXERCISED BY THE FACILITY TO CORRECT SUCH VIOLATIONS. The Director or his designee will assess a penalty when he finds that the facility has been cited for similar violations and has failed to correct such violations as promptly as practicable or has failed to exercise diligence in taking necessary corrective action. The Director or his designee will also consider any evidence that the violations constitute a pattern of deliberate action by the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.286(a)(3) (continued)

facility. The extent of any change in the ownership and management of the facility will be considered in relation to the seriousness of previous violations.

- 4) ANY POSSIBLE FINANCIAL BENEFIT THE FACILITY COULD GAIN AS A RESULT OF COMMITTING OR CONTINUING THE VIOLATION. Such benefits include, but are not limited to, diversion of costs associated with physical plant repairs, staff salaries, consultant fees, or direct patient care services. (Section 3-306 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-306)~~

- b) If the Director or his designee determines that a penalty is to be assessed, a written notice of penalty assessment shall be sent to the facility ~~by registered mail~~. Each notice of penalty assessment shall include:

- 1) THE AMOUNT OF THE PENALTY being assessed as provided in Section 330.282.
- 2) The amount of any reduction or whether the penalty has been waived pursuant to Section 330.288.
- 3) A description of THE VIOLATION, including a reference to the notices of violation and plans of correction which are the basis of the assessment.
- 4) A citation to the provision of THE ACT OR THE RULE which the facility has violated.
- 5) A description of the right of the facility to appeal the assessment and of the RIGHT OF THE FACILITY TO A HEARING.
- 6) For violations which are continuing at the time the notice of assessment, THE AMOUNT OF ADDITIONAL PENALTIES PER DAY which will be assessed. (Section 3-307 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-307)~~
- c) Penalties shall be paid by the facility to the Department within the time periods provided in Section 3-310 of the Act. ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-310)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.288 Reduction or Waiver of Penalties

- a) Reductions for all types of violations subject to penalties.

- 1) The Director or his designee shall consider the factors contained in Section 330.286(a) in determining whether to reduce the amount of the penalty to be assessed from the amount calculated pursuant to Section 330.284 and in determining the amount of such reduction.
- 2) When the Director or his designee finds that correction of a violation required capital improvements or repairs in the physical plant of the facility and the facility has a history of compliance with physical plant requirements, the penalty will be reduced by the amount of the cost of the improvements or repairs. This reduction, however, shall not reduce the penalty for a level A violation to an amount less than \$1000.

- b) Reductions and waivers for level B violations.

- 1) Penalties resulting from level B violations may be reduced or waived only under one of the following conditions:
 - A) THE FACILITY SUBMITS A REPORT OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, and the report is subsequently verified by the Department.
 - B) THE FACILITY SUBMITS A PLAN OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, the plan is approved by the Department, THE FACILITY SUBMITS A REPORT OF CORRECTION WITHIN ~~FIFTEEN~~ 15 DAYS after submission of the plan or correction, and the report is subsequently verified by the Department.
 - C) THE FACILITY SUBMITS A PLAN OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, THE PLAN PROVIDES FOR CORRECTION WITHIN NOT MORE THAN ~~THIRTY~~ 30 DAYS after submission of the plan of correction, and THE PLAN IS APPROVED BY THE DEPARTMENT.
 - D) Correction of the violation requires substantial capital improvements or repairs in the physical plant of the facility. THE FACILITY SUBMITS A PLAN OR CORRECTION INVOLVING SUBSTANTIAL CAPITAL COSTS, THE PLAN OF CORRECTION PROVIDES COMPLETION OF THE CORRECTIVE ACTION WITHIN ~~NINETY~~ 90 DAYS after submission of the plan, and the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.288(b)(1)(D) (continued)

plan is approved by the Department. (Section 3-308 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-308)~~

- 2) Under these conditions, the Director or his designee shall consider the factors outlined in Section 330.286(a) in determining whether to reduce or waive the penalty and in setting the amount of any reduction.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.290 Quarterly List of Violators

- a) THE DEPARTMENT SHALL PREPARE ON A QUARTERLY BASIS A LIST CONTAINING THE NAMES AND ADDRESSES OF ALL FACILITIES AGAINST WHICH THE DEPARTMENT DURING THE PREVIOUS QUARTER HAS:

- 1) Issued a NOTICE OF PENALTY ASSESSMENT for a level A violation as provided in Section 300.286 of this Part and Section 3-305(1) of the Act. ~~sent a notice under Section 3-307 regarding a penalty assessment under subsections (1), (2), (4) or (5) of Section 3-305.~~
- 2) Issued a NOTICE OF REVOCATION of the facility's license as provided in Section 300.180 of this Part and ~~sent a notice of license revocation under~~ Section 3-119 of the Act. ~~+~~
- 3) Issued a NOTICE REFUSING RENEWAL of the facility's license as provided in Section 300.175 of this Part and ~~sent a notice refusing renewal of a license under~~ Section 3-119 of the Act. ~~+~~
- 4) Issued a NOTICE TO SUSPEND the facility's license as provided in ~~sent a notice to suspend a license under~~ Section 3-119 of the Act. ~~+~~
- 5) ISSUED A CONDITIONAL LICENSE to the facility based on violations which were not corrected as provided in Section 300.260 of this Part and Section 3-313 of the Act. ~~issued a conditional license for violations and penalties described under Sections 3-301 and 3-302.~~
- 6) PLACED A MONITOR IN THE FACILITY as provided in Section 300.270 of this Part and Section 3-501 of the Act for one of the following reasons: ~~placed a monitor under subsections (a),~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.290(a)(6) (continued)

~~(b) and (c) of Section 3-501 and under subsection (d) of such Section where license revocation or nonrenewal notices have also been issued.~~

- A) The facility is operating without a license.
- B) The Department has revoked or refused to renew the license of the facility.
- C) The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure.
- D) The Department determines that an emergency exists and HAS ISSUED A NOTICE OF REVOCATION OR NONRENEWAL against the facility's license.
- 7) INITIATED AN ACTION TO APPOINT A RECEIVER. ~~+~~
- 8) RECOMMENDED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC AID, OR THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DECERTIFICATION FOR VIOLATIONS IN RELATION TO PATIENT CARE OF A FACILITY PURSUANT TO TITLES XVIII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C. 1395 et seq. and 1396 et seq.). (Section 3-304(a) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-304(a)).~~

- b) IN ADDITION TO THE NAME AND ADDRESS OF THE FACILITY, THE LIST SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON OR LICENSEE AGAINST WHOM THE ACTION HAS BEEN INITIATED, A SELF-EXPLANATORY SUMMARY OF THE FACTS WHICH WARRANTED THE INITIATION OF EACH ACTION, THE TYPE OF ACTION INITIATED, THE DATE OF THE INITIATION OF THE ACTION, THE AMOUNT OF THE PENALTY SOUGHT TO BE ASSESSED, IF ANY, AND THE FINAL DISPOSITION OF THE ACTION, IF COMPLETED. (Section 3-304(b) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-304(b)).~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.300 Alcoholism Treatment Programs In Long-Term Care Facilities

- a) A long-term care facility that desires to provide an alcoholism treatment program must first receive written approval from ~~both~~ the Department ~~Division of Long-Term Care and the Division of~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.300(a) (continued)

~~Hospitals and Ambulatory Health Programs.~~ Such approval will be granted only if it can be shown that such program will not interfere in any way with the residents in the other parts of the facility. ~~(6)~~

- b) Any alcoholism treatment program in a long-term care facility must meet the program standards of the rules ~~and regulations~~ for Alcoholism and Substance Abuse Treatment, Intervention and Research Programs ~~Alcoholism and Intoxication Treatment Programs~~ (77 Ill. Adm. Code 2058 ~~200~~), as promulgated by the Illinois Department of Alcoholism and Substance Abuse ~~Public Health~~ under the Illinois Alcoholism and Other Drug Dependency Act ~~Alcoholism Treatment Licensing Act~~ (Ill. Rev. Stat. 1987 ~~1979~~, ch. 111 1/2, par. 6351-1 ~~2301~~ et seq.) ~~(6)~~
- c) The alcoholism treatment program must be in a completely separate distinct part of the long-term care facility, and must include all beds in that distinct part. It must be completely separated from the rest of the facility, and have separate entrances. ~~(6)~~
- d) Beds designated for alcoholism treatment cannot be used for long-term care residents, nor can beds designated for long-term care residents be used for residents undergoing treatment for alcoholism. ~~(6)~~
- e) The alcoholism treatment program staff will not be utilized in performing services in the long-term care area of the facility, nor will long-term care program staff be utilized to provide any services in the alcoholism treatment designated area. ~~(6)~~
- f) There may be joint use of laundry, food service, housekeeping and administrative services, provided written approval is obtained from the Department ~~Division of Long-Term Care~~. Such approval will be granted only if it can be shown that such joint usage will not interfere in any way with the residents in other parts of the facility. ~~(6)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.310 Department May Survey Facilities Formerly Licensed

THE DEPARTMENT MAY SURVEY ANY FORMER FACILITY WHICH ONCE HELD A LICENSE TO INSURE THAT THE FACILITY IS NOT AGAIN OPERATING WITHOUT A LICENSE. (Section 3-107 of the Act)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.320 Waivers

- a) UPON APPLICATION BY A FACILITY, THE DIRECTOR MAY GRANT OR RENEW THE WAIVER OF THE FACILITY'S COMPLIANCE WITH A RULE OR STANDARD FOR A PERIOD NOT TO EXCEED THE DURATION OF THE CURRENT LICENSE OR, IN THE CASE OF AN APPLICATION FOR LICENSE RENEWAL, THE DURATION OF THE RENEWAL PERIOD. (Section 3-303.1 of the Act)
- b) THE WAIVER MAY BE CONDITIONED UPON THE FACILITY TAKING ACTION PRESCRIBED BY THE DIRECTOR AS A MEASURE EQUIVALENT TO COMPLIANCE. (Section 3-303.1 of the Act)
- c) IN DETERMINING WHETHER TO GRANT OR RENEW A WAIVER, THE DIRECTOR SHALL CONSIDER:
- 1) THE DURATION AND BASIS FOR ANY CURRENT WAIVER WITH RESPECT TO THE SAME RULE OR STANDARD;
 - 2) THE CONTINUED VALIDITY OF EXTENDING THE WAIVER ON THE SAME BASIS;
 - 3) THE EFFECT UPON THE HEALTH AND SAFETY OF RESIDENTS;
 - 4) THE QUALITY OF RESIDENT CARE ~~(i.e., whether the waiver would reduce the overall quality of the resident care below that required by the Act or rules of this Part);~~
 - 5) THE FACILITY'S HISTORY OF COMPLIANCE WITH THE ~~RULES AND STANDARDS OF THIS ACT AND THIS PART (i.e., the existence of a consistent pattern of violation of the Act or the rules of this Part); and~~
 - 6) THE FACILITY'S ATTEMPTS TO COMPLY WITH THE PARTICULAR RULE OR STANDARD IN QUESTION. (Section 3-303.1 of the Act)
- d) THE DEPARTMENT SHALL RENEW WAIVERS RELATING TO PHYSICAL PLANT STANDARDS ISSUED PURSUANT TO THIS SECTION AT THE TIME OF THE INDICATED REVIEWS, UNLESS IT CAN SHOW WHY SUCH WAIVERS SHOULD NOT BE EXTENDED FOR THE FOLLOWING REASONS:
- 1) THE CONDITION OF THE PHYSICAL PLANT HAS DETERIORATED OR ITS USE SUBSTANTIALLY CHANGED SO THAT THE BASIS UPON WHICH THE WAIVER WAS ISSUED IS MATERIALLY DIFFERENT; OR
 - 2) THE FACILITY IS RENOVATED OR SUBSTANTIALLY REMODELED IN SUCH A WAY AS TO PERMIT COMPLIANCE WITH THE APPLICABLE RULES AND

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.320(d)(2) (continued)

STANDARDS WITHOUT SUBSTANTIAL INCREASE IN COST. (Section 3-303.1 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-303.1)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.330 Definitions

~~a) Each definition is considered to be a separate rule, but they are not given individual numbers because they are listed alphabetically, and numbers would have to be changed each time a new definition was added or deleted.~~

~~b)~~
The terms defined in this Section ~~below~~ are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

~~Act. The - as used in this Part these standards, the "Nursing Home Care Reform" Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988). of 1979, as amended."~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 330.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a level A or level B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OF STOCKHOLDER. (Section 1-106 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

Aide or Orderly - any person providing direct personal care, training ~~and/or~~ or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial ~~aspects~~ aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part ~~these regulations~~ means any

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's ~~his~~ life.

Contract - a binding agreement between a resident or the resident's ~~his~~ guardian (or, if the resident is a minor, the resident's ~~his~~ parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. ~~2402~~ 2301 et seq.).

Department - as used in these standards means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age ~~eighteen~~ 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;

is manifest before age ~~twenty-two~~ 22;

is likely to continue indefinitely;

results in substantial functional limitations in three ~~(3)~~ or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

economic self-sufficiency; and

reflects the persons' needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides ~~at least~~ 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one ~~(1)~~ year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE. (Section 1-110 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of these standards.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five ~~(5)~~ and ~~eighty (80)~~ ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in these standards is a facility of three ~~(3)~~ or more persons, or distinct part thereof, serving residents of which more than ~~fifty (50)~~ percent are developmentally disabled. Facilities with any number less than ~~fifty (50)~~ percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities, to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO "THE COUNTY HOME ACT" (Ill. Rev. Stat. 1987-1988, ch. 53, par. 61 et seq.), AS NOW OR HEREFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" ~~APPROVED JULY 21, 1959~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. 34, par. 3561 et seq.) AS NOW OR HEREFTER AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE ~~(3)~~ OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

"HOSPITAL LICENSING ACT" (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREAFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE "CHILD CARE ACT OF 1969" (Ill. Rev. Stat. ~~1983~~ 1987, ch. 23, par. 2211 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two ~~(2)~~ month period of time.

Full-time - means on duty a minimum of ~~thirty-six (36)~~ hours, four ~~(4)~~ days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE "PROBATE ACT OF 1975" (Ill. Rev. Stat. ~~1983~~ 1987, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education.

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the "General Not For Profit Corporation Act of 1986" ~~approved July 17, 1943~~ as heretofore or hereafter amended (Ill. Rev. Stat. ~~1983~~ 1987, ch. 32, par. ~~1633~~ 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged", ~~approved July 21, 1959~~ as heretofore or hereafter amended (Ill. Rev. Stat. ~~1983~~ 1987, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three ~~(3)~~ or more residents, ~~ninety~~ 90 percent of whom are ~~sixty (60)~~ or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty ~~forty (40)~~ hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part ~~these regulations~~ means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF/DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the "Nursing Home Administrators Licensing and Disciplinary Act", as now or hereafter amended (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111, par. 3651 ~~3601~~ et seq.).

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life-care contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's ~~life~~ life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - Impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms ~~and so forth~~.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms ~~and so forth~~.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the state regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN ~~THE ILLINOIS NURSING ACT OF 1987~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. ~~3401~~ 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care ~~and/or~~ or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

registered by the Department of Professional Regulation ~~Registration and Education~~ to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than ~~seventy five (75)~~ beds, none of which are more than ~~one hundred twenty (120)~~ feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation ~~Registration and Education~~ as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation ~~Registration and Education~~ as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. 3701 et seq.).

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

~~Person in Need of Mental Treatment - any person who is mentally ill and who, because of his illness, is reasonably expected to inflict serious physical harm upon himself or another in the near future or is unable to provide for his basic physical needs so as to guard himself from serious harm.~~

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111, par. 4121 ~~4002~~ et seq.)

Physical Therapy Assistant - a person who has graduated from a two ~~(2)~~ year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation ~~Registration and Education~~ as a physical therapist under the Illinois Physical Therapy ~~License~~ Act (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111, par. 4251 ~~4201~~ et seq.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the "Medical Practice Act of 1987" (Ill. Rev. Stat. 1987-1993, ch. 111, par. 4400-1-4401 et seq.).

Probationary License - an initial license issued for a period of ~~one hundred twenty (120)~~ days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three ~~(3)~~ years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by ~~registered with~~ the Illinois Department of Professional Regulation ~~Registration and Education~~ to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications ~~is~~:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

~~an educator with a degree in education from an accredited program and with specialized training or one (1) year of experience in working with the mentally retarded.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

~~a physical or occupational therapist who has specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a physician licensed by the State of Illinois to practice medicine or osteopathy and with specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a psychologist with at least a Master's Degree from an accredited program and with specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a registered nurse with a valid current Illinois registration to practice as a registered professional nurse who has specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a speech pathologist or audiologist who has specialized training or one (1) year of experience in treating the mentally retarded.~~

~~a registered social worker with a Bachelor's Degree in social work from an accredited program, or a Bachelor's Degree in a field other than social work and at least three (3) years social work experience under the supervision of a qualified social worker, and with specialized training or with one (1) year of experience in working with the mentally retarded.~~

~~a therapeutic recreation specialist who is a graduate of an accredited program and eligible for Certification by the National Council for Therapeutic Recreation Certification, and who has specialized training or one (1) year experience working with the mentally retarded.~~

~~a rehabilitation counselor who is certified by the Commission on Rehabilitation Counselor Certification and who has specialized training or one (1) year of experience in treating the mentally retarded.~~

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified, etc., by the State of Illinois, if required.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license ~~registration~~ from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.).

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two ~~(2)~~ or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric ~~and/or~~ or adaptive chairs, a wide band ~~(minimum width six (6) inches)~~, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident ~~he~~ cannot open.

Self Preservation - the ability to follow directions ~~and/or~~ and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 6351 et seq., as amended by Public Act 85-1131, effective July 21, 1988) ~~by the State of Illinois (registered or certified by the Illinois Department of Registration and Education); and~~

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one ~~(1)~~ year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

Section 330.330 (continued)

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST ~~5%~~ FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part ~~these regulations~~ means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.280(q)(8), 330.280(k)(2) and 330.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.180(b)(1) and 330.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the

Section 330.330 (continued)

premises if the person does not meet assistant level (two (2) year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED (42 U.S.C. ~~Section~~ 1395 et seq.). (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED (42 U.S.C. ~~Section~~ 1395 et seq.). (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

~~Type C Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility which indirectly threatens the health, safety or welfare of a resident.~~

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five ~~(5)~~ nor more than ~~twenty (20)~~ beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.330 (continued)

forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

~~Utensil Sanitizer - an apparatus for sanitizing unwrapped bulky-type utensils by using boiling water and steam heat not under pressure.~~

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.340 Incorporated and Referenced Materials

a) The following regulations, standards, and statutes are incorporated or referenced in this Part:

1) Private and professional association standards:

A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1980), which may be obtained from the American Dietetic Association, 430 North Michigan Avenue, Chicago, Illinois 60611.

B) National Fire Protection Association (NFPA), Standard No. 101: Life Safety Code, Appendix B (1981) and Standard No. 70: National Electric Code (1981), which may be obtained from National Fire Protection Association, Battery Park, Quincy, Massachusetts 02269.

C) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.

D) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive,

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.340(a)(1)(D) (continued)

Room 350, Arlington Heights, Illinois 60004.

E) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, VA, 22302.

2) Federal statutes and regulations:

A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)

B) Social Security Act (42 U.S.C. 301 et seq.)

~~C) U.S. Public Health Service, Food Service Sanitation Manual (1985).~~

~~D) U.S. Public Health Service, Isolation Techniques for Use in Hospitals (1985).~~

3) State of Illinois Statutes:

A) Illinois Alcoholism and Other Drug Dependency Treatment Licensing Act (Ill. Rev. Stat. 1987-1985, ch. 111 1/2, par. 6351-1-2301 et seq.)

B) Child Care Act of 1969 (Ill. Rev. Stat. 1987-1985, ch. 23, par. 2211 et seq.)

C) ~~AN ACT to create the Court of Claims Act, to prescribe its powers and duties, and to repeal an Act herein named (Ill. Rev. Stat. 1987-1985, ch. 37, par. 439.1 et seq.)~~

D) The Illinois Dental Practice Act (Ill. Rev. Stat. 1987-1985, ch. 111, par. 2301 et seq.)

E) The Election Code (Ill. Rev. Stat. 1987-1985, ch. 46, par. 1-1 et seq.)

F) Freedom of Information Act (Ill. Rev. Stat. 1987-1985, ch. 116, par. 201 et seq.)

G) General Not For Profit Corporation Act of 1986 (Ill. Rev. Stat. 1987-1985, ch. 32, par. 101.01-163a et seq.)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.340(a)(3) (continued)

- H) Hospital Licensing Act (Ill. Rev. Stat. 1987 ~~1985~~, ch. 111 1/2, par. 142 et seq.)
- I) Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1987 ~~1985~~, ch. 111 1/2, par. 1151 et seq.)
- J) Article I, Division 3, Illinois Municipal Code (Ill. Rev. Stat. 1987 ~~1985~~, ~~Article I, Division 3~~, ch. 24, pars. 1-3-1 et seq. ~~through 1-3-6~~)
- K) Life Care Facilities Act (Ill. Rev. Stat. 1987 ~~1985~~, ch. 111 1/2, par. 4160-1 et seq.)
- L) Local Governmental and Governmental Employees Tort Immunity Act (Ill. Rev. Stat. 1987 ~~1985~~, ch. 85, par. 1-101 et seq.)
- M) Medical Practice Act of 1987 (Ill. Rev. Stat. 1987 ~~1985~~, ch. 111, par. ~~4400-1~~ 4401 et seq.)
- N) Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987 ~~1985~~, ch. 91 1/2, par. 1-100 et seq.)
- O) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987 ~~1985~~, ch. 111, par. ~~3501~~ 3401 et seq.)
- P) Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1987 ~~1985~~, ch. 111, par. ~~3651~~ 3601 et seq.)
- Q) Nursing Home Care ~~Reform~~ Act ~~of 1979~~ (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988)
- R) Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. 3701 et seq.)
- S) Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1987 ~~1985~~, ch. 111, par. ~~4121~~ 4001 et seq.)
- T) Illinois Physical Therapy Act ~~of 1985~~ (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111, par. 4251 et seq.)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.340(a)(3) (continued)

- U) Private Sewage Disposal Licensing Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 116.301 et seq.)
- V) Probate Act of 1975 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 110 1/2, par. 1-1 et seq.)
- W) The Illinois Public Aid Code (Ill. Rev. Stat. ~~1985~~ 1987, ch. 23, par. 1-1 et seq.)
- 4) State of Illinois rules:
 - A) Office of the State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)
 - B) Capital Development Board, Illinois Accessibility Code ~~Standards Illustrated~~ (71 Ill. Adm. Code 400)
 - ~~C) Department of Public Health, Alcoholism and Intoxication Treatment Programs (77 Ill. Adm. Code 490)~~
 - ~~C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)~~
 - D) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
 - E) Department of Public Health, Food Service Sanitation (77 Ill. Adm. Code 750)
 - F) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - G) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905)
 - H) Department of Public Health, Drinking Water Systems (77 Ill. Adm. Code 900)
 - I) Department of Public Health, Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
 - J) Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.340(a)(4) (continued)

- K) ~~Department of Professional Regulation, Controlled Substances Act (77 Ill. Adm. Code 3100)~~
- L) ~~Department of Alcoholism and Substance Abuse, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058)~~
- M) ~~Department of Public Aid, Access to Cost Reports (89 Ill. Adm. Code 140.544)~~
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All citations to federal regulations in this Part concern the specified regulation in the 1986 Code of Federal Regulations, unless another date is specified.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART B: ADMINISTRATION
Section 330.510 Administrator

- a) There shall be a responsible and qualified administrator full-time for each licensed facility. The administrator shall be a high school graduate or equivalent and at least ~~eighteen~~ ~~(18)~~ years of age. The licensee will report any change in administrator to the Department, within five ~~(5)~~ days. ~~(6)~~
- b) The administrator shall delegate in writing adequate authority to a person at least ~~eighteen~~ ~~(18)~~ years of age who is capable of acting in an emergency during his absence. Such administrative assignment shall not interfere with resident care and supervision. The administrator or the person designated by the administrator ~~him~~ to be in charge of the facility in ~~his/her~~ the administrator's absence, shall be deemed by the Department to be the agent of the licensee for the purposes of Section 3-212 of the ~~Nursing Home Care Reform~~ Act, which requires Department staff to provide the licensee with a copy of their report before leaving the facility. (B-~~6~~)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.510 (continued)

- c) The licensee and the administrator shall be familiar with this Part. They shall be responsible for seeing that the applicable regulations are met in the facility and that employees are familiar with those regulations according to the level of their responsibilities. (A, B-~~6~~)
- d) The administrator shall arrange for facility supervisory personnel to annually attend appropriate educational programs on supervision, nutrition, and other pertinent subjects. ~~(C)~~
- e) The administrator shall appoint in writing a member of the facility staff to coordinate the establishment of, and render assistance to, the residents' advisory council. ~~(C)~~
- f) If the facility has an assistant administrator, the Department shall be informed of the name and dates of employment and termination of this person. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART C: POLICIES
Section 330.710 Resident Care Policies

- a) The facility shall have written policies and procedures which shall be formulated with the involvement of the administrator. These written policies shall be followed in operating the facility and shall be reviewed at least annually by the Administrator. They shall be in compliance with the Act and all rules promulgated thereunder. (B-~~6~~)
- b) All the information contained in the policies shall be available for review by Department personnel, residents, staff and the public. ~~(C)~~
- c) These written policies shall include, but are not limited to, the following provisions: ~~(C)~~
 - 1) Admission, transfer, and discharge of residents including categories of residents accepted and not accepted, and residents that will be transferred or discharged, ~~etc.~~ ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.710(c) (continued)

- 2) Resident care services including physician services, emergency services, personal care services, activity services, dietary services, and social services. (B-~~6~~-~~6~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.720 Admission and Discharge Policies

a) Admission Restrictions

- 1) No resident determined by professional evaluation to be in need of nursing care shall be admitted to, or kept in, a sheltered care facility. Neither shall any such resident be kept in a distinct part designated and classified for sheltered care. (B-~~6~~-~~6~~)

- 2) Homes in Chicago licensed as Residential Care (Half-Way) Homes shall only accept and keep persons requiring residential care. Residential care is defined as maintenance and oversight. Oversight is defined as general watchfulness and appropriate action to meet the total needs of residents, exclusive of nursing or personal care, as defined in Chapter 136.1 of the "Municipal Code of the City of Chicago." Oversight shall include, at a minimum, social, recreational, and employment opportunities for residents who, by reason of previous physical or mental disability, or in the opinion of a licensed physician, are in need of residential care. ~~(B-6-6)~~

- b) Each facility shall have a policy concerning the admission of persons needing prenatal ~~and/or~~ or maternity care, and a policy concerning the keeping of such persons who become pregnant while they are residents of the facility. If these policies permit such persons to be admitted to, or kept in the facility, then the facility shall have a policy concerning the provision of adequate and appropriate prenatal and maternity care to such individuals from in-house ~~and/or~~ or outside resources. ~~(B-6-6)~~

- c) No resident shall be admitted to, or kept in the facility:

- 1) Who is mentally ill, in need of mental treatment, and at risk because, due to the mental illness, the person is reasonably expected to self-inflict serious physical harm or to inflict serious physical harm on another person in the near future as

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.720(c)(1) (continued)

determined by professional evaluation. ~~requires mental treatment as defined in the Illinois Mental Health Code.~~
~~(See definition of "Person in Need of Mental Treatment" in Section 330.330.)~~ (B-~~6~~-~~6~~)

- 2) Who is destructive of property or himself. (B-~~6~~-~~6~~)
- 3) Who has serious mental or emotional problems based on medical diagnosis. ~~(B-6-6)~~
- d) Children under ~~eighteen~~ ~~(18)~~ years of age may not be cared for in a facility for adults. ~~(B-6-6)~~
- e) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident himself or, if incompetent, by the resident's guardian. ~~(B-6-6)~~
- f) No resident shall be admitted with a communicable, contagious or infectious disease as set forth in Section 330.1130 (a) through (c). (A, B-~~6~~-~~6~~)
- g) A facility shall not admit more residents than the number authorized by the license issued to it. (B-~~6~~-~~6~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.730 Contract Between Resident and Facility

a) Contract Execution

- 1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

- A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR
- B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE "PROBATE ACT OF 1975", AS NOW OR HEREFTER AMENDED; OR

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.730(a)(1) (continued)

C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY.

- 2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE ~~PROBATE ACT OF 1975~~, AS NOW OR HEREFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS.
- 3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON", BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDE FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN ~~10~~ TEN DAYS OF THE DISPOSITION OF THE PETITION.
- 4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE ~~MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE~~, AS AMENDED, OR SECTION 11a-14.1 OF THE ~~PROBATE ACT OF 1975~~, AS AMENDED. (Section 2-202(a) of the Act)
- 5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of the person, within ten ~~10~~ days of the effective date of these rules, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten ~~10~~ days of the disposition of such petition.
- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)." ~~(C)~~
- c) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.730(c) (continued)

- OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act) ~~(C)~~
- d) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act) ~~(C)~~
- e) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee. ~~(C)~~
- f) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section ~~above~~. If any person other than the principal signatory is to be held individually responsible for payments due under the contract that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor." ~~(C)~~
- g) The contract shall include a definition of "responsible party" or "guarantor" which describes in full the liability incurred by any such person. ~~(C)~~
- h) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act) ~~(C)~~
- i) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act) ~~(C)~~
- j) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act) ~~(C)~~
- k) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act) ~~(C)~~
- l) Services Provided and Charges
 - 1) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(2) of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.730(1) (continued)

- 2) A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee. ~~(6)~~

- m) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)

- 1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established ~~above~~ in subsection (1) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed then such additional cost shall be specified in the contract. ~~(6)~~

- 2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract. ~~(6)~~

- n) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENTS DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)

o) Deposit Provisions

- 1) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. (Section 2-202(g)(5) of the Act)
- 2) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.730(o)(2) (continued)

satisfaction of all such conditions the deposit shall be returned to the resident. If the deposit is nonrefundable the contract shall provide express notice of such nonrefundability. ~~(6)~~

- p) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF A RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 OF THE ACT. (Section 2-202(g)(6) of the Act) ~~(6)~~

- q) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. The resident shall provide the facility with a copy of the written agreement between the resident and the resident's representative which authorizes the resident's representative to inspect and copy the resident's records and authorizes the resident's representative to execute the contract on behalf of the resident required by Section 2-202 of the Act. ~~(6)~~

- r) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN ~~(7)~~ DAYS NOTICE. IT SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH ~~THIRTY (30)~~ DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S ~~LIFE~~ ~~NOR TO~~ CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S ~~LIFE~~. (Section 2-202(1) of the Act) ~~(6)~~

- s) After July 1, 1982, all facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the ~~Life Care Facilities Act~~ (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111 1/2, par. 4160-1 et seq.) as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts. ~~(6)~~

- t) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SIGNED OR RENEWED AFTER JULY 1, 1985

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.730(t) (continued)

SHALL ALSO SPECIFY: ~~(C)~~

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;
- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;
- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(l) of the Act) ~~(111. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4152-202(j))~~

- u) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act) ~~(111. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4152-202(k))~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.740 Residents' Advisory Council

- a) EACH FACILITY SHALL ESTABLISH A RESIDENT'S ADVISORY COUNCIL CONSISTING OF AT LEAST FIVE ~~(5)~~ RESIDENT MEMBERS. If there are not five residents capable of functioning on the residents' advisory council, as determined by the Interdisciplinary Team, residents' representatives shall take the place of the required number of residents. THE ADMINISTRATOR SHALL DESIGNATE ANOTHER ~~A~~ MEMBER OF THE FACILITY STAFF (other than ~~himself/herself~~ the administrator) TO COORDINATE THE ESTABLISHMENT OF, AND RENDER ASSISTANCE TO, THE COUNCIL. (Section 2-203 of the Act) ~~(C)~~

- b) Each facility shall develop and implement a plan for assuring a liaison with concerned individuals and groups in the local community. Ways in which this requirement can be met include, but are not limited to, the following:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.740(b) (continued)

- 1) the inclusion of community members such as volunteers, family members, residents' friends, residents' advocates, or community representatives ~~etc.~~ on the resident advisory council;
- 2) the establishment of a separate community advisory group with persons of the residents' choosing;
- 3) finding a church or civic group to "adopt" the facility; or
- 4) the establishment of a family council made up of families and friends of residents who live in the community. ~~(C)~~
- c) The resident members shall be elected to the council by vote of their fellow residents and the nonresident members shall be elected to the council by vote of the resident members of the council. ~~(C)~~
- d) In facilities of ~~fifty~~ 50 beds or less, the resident advisory council may consist of all of the residents of the facility, if the residents choose to operate this way. ~~(C)~~
- e) All resident advisory councils shall elect at least a Chairperson ~~or President and a Vice Chairperson~~ ~~or Vice President~~ from among the members of the council. These persons shall preside at the meetings of the council, assisted by the facility staff person designated by the administrator to provide such assistance. ~~(C)~~
- f) Some facilities may wish to establish mini-resident advisory councils for various smaller units within the facility. If this is done, each such unit shall be represented on an overall facility residents' advisory council with the composition described in Section 330.740(a). ~~(C)~~
- g) All residents' advisory council meetings shall be open to participation by all residents ~~and/or~~ and by their representatives. ~~(C)~~
- h) NO EMPLOYEE OR AFFILIATE OF ANY FACILITY SHALL BE A MEMBER OF ANY COUNCIL. Such persons may attend to discuss interests or functions of the nonmembers when invited by a majority of the officers of the residents' advisory council. (Section 2-203(a) of the Act) ~~(C)~~
- i) THE COUNCIL SHALL MEET AT LEAST ONCE EACH MONTH WITH THE STAFF COORDINATOR WHO SHALL PROVIDE ASSISTANCE TO THE COUNCIL IN PREPARING AND DISSEMINATING A REPORT OF EACH MEETING TO ALL RESIDENTS, THE ADMINISTRATOR, AND THE STAFF. (Section 2-203(b) of the Act) ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.740 (continued)

- j) RECORDS OF THE COUNCIL MEETINGS WILL BE MAINTAINED IN THE OFFICE OF THE ADMINISTRATOR. (Section 2-203(c) of the Act) ~~(G)~~
- k) THE COUNCIL SHALL BE A FORUM FOR:
- 1) OBTAINING AND DISSEMINATING INFORMATION;
 - 2) SOLICITING AND ADOPTING RECOMMENDATIONS FOR FACILITY PROGRAMING AND IMPROVEMENTS;
 - 3) EARLY IDENTIFICATION OF PROBLEMS;
 - 4) RECOMMENDING ORDERLY RESOLUTION OF PROBLEMS. (Section 2-203(e) of the Act)
- l) THE COUNCIL MAY PRESENT COMPLAINTS ON BEHALF OF A RESIDENT TO THE DEPARTMENT, OR TO ANY OTHER PERSON IT CONSIDERS APPROPRIATE. (Section 2-203(f) of the Act)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.750 General Policies

- a) The facility shall have daily visiting hours from 10 A.M. to 8 P.M. daily. ~~(G)~~
- b) There shall be no resident traffic through a resident's room by residents of the opposite sex to reach any other area of the building. ~~(G)~~
- c) Children, not employed in the facility, under ~~sixteen~~ ~~(-16)~~ years of age related to employees, owners, or administrators shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.760 Personnel Policies

- a) Each facility shall develop and maintain ~~there shall be~~ written personnel policies which policies are followed in the operation of the facility. ~~that shall include, but are not limited to, the following:~~ These policies shall include at a minimum each of the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.760(a) (continued)

requirements of this Section. ~~(G)~~

b) Employee Records

- 1) Employment application forms shall be completed on each employee and kept on file in the facility. They shall be available to Department personnel for review. These forms shall contain date of employment, date of birth ~~age or birthdate~~, home address, educational background, past experience including types of employment, where previously employed, type of position employed to fill in this facility, last day employed (if no longer in present facility) and reasons for leaving. ~~(G)~~
 - 2) Individual personnel files for each employee shall also contain ~~other pertinent personnel data such as~~ health records, including the initial health evaluation required under Section 330.765(a), the results of the tuberculin skin test required under Section 330.765(e), and any other pertinent health records.
 - 3) Individual personnel records for each employee shall also contain records of evaluation of performance. ~~(G)~~
- ~~3) A) Each employee shall have a physical examination which has been conducted within a period of ten (10) days before or after employment and annually thereafter. This shall include findings that permit certification that the employee is free of communicable, contagious or infectious diseases. Additional physical examinations may be requested at the discretion of the Department according to the rules for the "Control of Communicable Diseases" (77 Ill. Adm. Code 690), Illinois Department of Public Health.~~
- ~~B) This initial physical exam shall include documentation regarding past or present tuberculosis infection, determined by either a tuberculosis skin test, or a chest x-ray taken within one (1) year prior to or ten (10) days after initial employment. Repeat skin tests and/or chest x-rays are not required unless the employee is exposed to a person with tuberculosis in its contagious stage or has signs and symptoms of disease. However, they are highly recommended, especially for persons residing or working in high risk areas of the State.~~
- ~~C) It is also recommended that employees who have been infected with tuberculosis (positive skin reaction) and~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.760(b) (continued)

~~have not had a full course of chemoprophylaxis or chemotherapy should complete one (1) year of daily INH unless contraindicated because of age or physical condition. Depending on their risk of developing disease, as determined by their physician, employees who have been infected and have not been able to complete a full course of preventive treatment should have a chest x-ray annually. (B, C)~~

~~4) An employee diagnosed or suspected of having a contagious or infectious disease shall not be on duty until such time as a written statement is obtained from a physician that the disease is no longer contagious or is found to be noninfectious. (B, C)~~

~~b) General.~~

~~c) 1) All personnel shall have either training or experience, or both, in the job assigned to them. (B, C)~~

~~d) 2) There shall be an ongoing planned inservice program embracing orientation to the facility and its policies, skill training and ongoing education carried out to enable all personnel to perform their duties effectively. Written records of program content and personnel attending shall be kept. (B, C)~~

~~e) 3) Employees shall only be assigned duties which are directly related to their job functions, as identified in their job descriptions. Exceptions may be made in emergencies. No employee shall be assigned duties other than those directly related to his job functions, as identified in his job description, except in emergencies. (B, C)~~

~~f) 4) Personnel policies shall include there shall be a plan to provide a program of personnel coverage for regular staff when they are absent. (B, C)~~

~~g) 5) Every facility shall have a current dated weekly employee time schedule posted in a convenient place where employees may refer to it. This schedule shall contain employee's name, job title, shift assignment, hours of work, and days off. The schedule this shall be kept on file in the facility for one (1) year after the week for which the schedule was used. (C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.765 Initial Health Evaluation for Employees

a) Each employee shall have an initial health evaluation which shall be used to insure that employees are not placed in positions which would pose undue risk of infection to themselves, other employees, residents, or visitors.

b) The initial health evaluation shall be conducted not more than 30 days prior to the employee beginning employment in the facility. The evaluation shall be completed not more than 30 days after the employee begins employment in the facility.

c) The initial health evaluation shall include a health inventory. This inventory shall be obtained from the employee and shall include the employee's immunization status and any available history of conditions which would predispose the employee to acquiring or transmitting infectious diseases. This inventory shall include any history of exposure to, or treatment for, tuberculosis. The inventory shall also include any history of hepatitis, dermatologic conditions, or chronic draining infections or open wounds.

d) The initial health evaluation shall include a physical examination. The examination shall include at a minimum any procedures needed in order to:

1) Detect any unusual susceptibility to infection and any conditions which would increase the likelihood of the transmission of disease to residents, other employees, or visitors.

2) Determine that the employee appears to be physically able to perform the job functions which the facility intends to assign to the employee.

e) The initial health evaluation shall include a tuberculin skin test which is conducted in accordance with the requirements of Section 330.1135. The test must meet one of the following timeframes:

1) The test must be completed no more than 90 days prior to the date of initial employment in the facility, or

2) The test must be commenced no more than ten days after the date of initial employment in the facility.

(Source: Added at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.770 Disaster Preparedness

a) Each facility shall have policies covering disaster preparedness including a written plan for staff and residents to follow in case of fire, explosion, severe weather or other hazardous circumstances or emergencies. The plan shall be rehearsed at least twice a year for each shift. The plan shall include, but is not limited to, the following: (B-~~C~~)

- 1) All personnel employed on the premises shall be properly instructed in the use of fire extinguishers. (B-~~C~~)
- 2) A written plan of evacuation posted, and made familiar to all personnel employed on the premises. ~~(C)~~
- b) Fire and disaster drills shall be held at least quarterly, for each shift of facility personnel and under varied conditions, in order to: ~~(C)~~

- 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
- 2) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility;
- 3) Evaluate the effectiveness of disaster plans and procedures;
- 4) Fire and disaster drills shall include stimulation of evacuation of residents to safe areas during at least one drill each year on each shift.
- 5) There shall be special provisions for the evacuation of the physically handicapped, including deaf ~~and/or~~ or blind, such as fire chutes and mattress loops with poles.
- 6) Where the welfare of the residents precludes an actual evacuation of an entire building, there must be drills involving the evacuation of successive portions of the building under such conditions as to assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
- 7) There shall be a written evaluation submitted to the facility administrator which shall be maintained for three years.
- c) A written plan shall be developed for temporarily relocating the residents for any emergency requiring relocation and any time the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.770(c) (continued)

temperature in residents' bedrooms falls below ~~fifty-five (55)~~ degrees Fahrenheit for ~~twelve (12)~~ hours or more. ~~(C)~~

d) Reporting of Emergencies

- 1) Upon the occurrence of any emergency or disaster requiring hospital service, police, fire department or coroner, the facility administrator or their designee must provide a preliminary report by phone immediately, or at the latest the next working day, the Department utilizing either the nursing home hotline or by contacting directly the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:

- A) Name and location of facility;
- B) type of emergency;
- C) number of injuries or deaths to residents;
- D) number of beds not usable due to the event;
- E) estimate of the extent of damages to the facility;
- F) type of assistance needed, if any;
- G) other state or local agencies notified about the problem.

- 2) If the emergency will not require direct Departmental assistance, the facility shall provide the preliminary report within 24 hours of the incident. Additionally, the Department shall receive a full written account within seven ~~(7)~~ days of the incident which includes the information specified in subsections (d)(1)(A) through (d)(1)(G) of this Section ~~above~~ and a statement of action taken by the facility after the preliminary report. ~~(C)~~

- e) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents whenever the temperature and relative humidity inside the residents living, dining, activities or sleeping areas of the facility are equal to or exceed the upper or lower limit lines (the solid lines) of the chart, 'Zones of Physiological

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.770(e) (continued)

Perception, displayed in Table A: Disaster Preparedness Parameters -- Relative Humidity and Temperature. (A, B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.780 Serious Incidents and Accidents

a) The facility shall notify the Department of any incident or accident which has, or is likely to have, a significant effect on the health, safety, or welfare of a resident or residents. Incidents and accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department.

1) Notification shall be made by a phone call to the Regional Office within ~~twenty-four~~ ~~(24)~~ hours of each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number. ~~(C)~~

2) A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven ~~(7)~~ days of the occurrence. ~~(C)~~

b) A descriptive summary of each incident or accident shall be recorded in the progress notes or nurses' notes for each resident involved. ~~(C)~~

c) The facility shall maintain a file of all written reports of serious incidents or accidents involving residents. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART D: PERSONNEL

Section 330.910 Personnel

a) Sufficient staff in numbers and qualifications shall be on duty all hours of each day to provide services that meet the total needs of the residents. As a minimum, there shall be at least one ~~(1)~~ staff member awake, dressed, and on duty at all times ~~each of the three (3) eight (8) hour shifts each day~~. (A, B, ~~C~~)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.910 (continued)

b) The facility shall provide an administrator as set forth in Subpart B. (B)

c) The facility shall provide activity personnel as set forth in Section 330.1310(b). (B, ~~C~~)

d) The facility shall provide dietary personnel as set forth in Sections 330.1910 through 330.1920. (B, ~~C~~)

e) Facilities that care for mentally retarded ~~and/or~~ or discharged psychiatric residents shall be required to have a social worker who shall devote at least ~~forty (40)~~ hours per week providing that the facility cares for ~~seventy-five (75)~~ or more residents. Facilities caring for less than ~~seventy-five (75)~~ residents shall have a social worker who may be assigned other duties or shared with other facilities. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.920 Consultation Services

a) The facility shall designate a staff member to provide social services to residents. If the staff member designated to provide social services is not a registered or certified social worker, the facility shall have an effective arrangement with a registered or certified social worker to provide social service consultation. ~~(C)~~

b) The facility shall have a written agreement for activity program consultation if required under Section 330.1310(c). ~~designate a staff member to be the director of the activities program. If this person is not a registered occupational therapist, a therapist, a Recreation Specialist, or a certified Social Worker, the facility shall have a written agreement made with a person from one of those disciplines, to provide consultation to the activity director and shall assure the programming meets the needs of the residents. (C)~~

c) The facility shall make arrangements for dietary consultation as set forth in Section 330.1960(d) and (e). (B, ~~C~~)

d) If the facility does not have a nurse currently registered to practice as a registered professional nurse in Illinois, arrangements shall be made for consultation from a person so qualified. She shall assist with the development of policies, methods and procedures

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.920(d) (continued)

relating to the medical program, medication, in-service on these medications and in-service training and all aspects of personal care. (B-~~6~~-~~6~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.930 Personnel Policies

The personnel policies required in Section 330.760 and other personnel policies established by the facility shall be followed in the operation of the facility.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section 330.1110 Medical Care Policies

- a) The facility shall have a written program of medical services approved in writing by the advisory physician that reflects the philosophy of care provided, the policies relating to this and the procedures for implementation of the services. The program shall include the entire complex of services provided by the facility and the arrangements to effect transfer to other facilities as promptly as needed. The written program of medical services shall be followed in the operation of the facility. (B-~~6~~-~~6~~)
- b) The services of a physician licensed to practice medicine in Illinois shall be available to every resident of the facility. Residents in facilities operated under bona fide Christian Science auspices may be exempt from this requirement. (A, B)
- c) ~~1)~~ All residents, or their guardians, shall be permitted their ~~the~~ ~~resident or his guardian shall be permitted his~~ choice of a physician. ~~(C)~~
- d) ~~2)~~ All residents ~~the resident~~ shall be seen by ~~his/her~~ their physician as often as necessary to assure adequate health care. (A, B-~~6~~-~~6~~)
- e) ~~4)~~ Each resident admitted shall have a complete physical examination, within five ~~(6)~~ days prior to admission, or within ~~seventy-two~~ ~~(72)~~ hours after admission to the facility. This examination

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1110(e) (continued)

shall include documentation of the presence or the absence of tuberculosis infection by tuberculin skin test in accordance with Section 330.1135 and an evaluation of the resident's condition and recommendations for his care including personal care needs and permission for participation in the activity program. (See Section 330.1310(c).) (B-~~6~~-~~6~~)

~~f)~~ ~~e)~~ The facility shall notify the physician of any accident, injury, or unusual change in a resident's condition. (A, B)

~~g)~~ ~~f)~~ At the time of an accident, immediate treatment shall be provided by personnel trained in medically approved first aid procedures. (A, B)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1120 Personal Care

- a) Each resident shall have proper daily personal attention ~~and for~~ and care including skin, nails, hair, and oral hygiene, in addition to treatment ordered by the physician. (B-~~6~~-~~6~~)
- b) Each resident shall have at least one ~~(1)~~ complete bath and hair wash weekly and as many additional baths and hair washes as necessary for satisfactory personal hygiene. (B-~~6~~-~~6~~)
- c) Each resident shall have clean suitable clothing in order to be comfortable, sanitary, free of odors, and decent in appearance. ~~(C)~~
- d) Each resident shall have clean bed linens at least once weekly and more often if necessary. ~~(C)~~
- e) Each resident shall have sufficient clothing, in good condition, to be properly dressed each day. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1130 Communicable Disease Policies

- a) The administrator shall assume the responsibility for meeting the Department's rules entitled ~~all the rules for the~~ "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) ~~within the Department of Public Health~~, so that there is a minimum danger of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1130(a) (continued)

transmission of contagious, infectious, or communicable diseases. (B)

- b) No resident with a communicable, contagious, or infectious disease shall be admitted knowingly. An individual, when suspected or diagnosed as having any such disease, after admission, shall be placed in isolation in accordance with the Department's rules entitled ~~for the~~ "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) ~~Illinois Department of Public Health~~, until removed from the facility. (A, B, ~~G~~)

- c) All illnesses required to be reported under subsection (a) of this Section ~~above~~ shall be reported immediately to the local health department and to the ~~this~~ Department. The administrator shall furnish all pertinent information relating to such occurrences. (B, ~~G~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1135 Tuberculin Skin Test Procedures

Tuberculin skin test for employees and residents shall be conducted in accordance with the requirements in this Section.

- a) Where there is documentation for an employee or resident of previous significant skin test reaction and previous treatment for tuberculosis, no skin test is required. The facility shall retain such documentation of testing and treatment in the employee's personnel record or the resident's medical record.
- b) The tuberculin skin test shall consist of five tuberculin units of purified protein derivative administered intradermally using the Mantoux method.
- c) A significant reaction shall be considered to exist when either of the following conditions are present:
- 1) There is an area of induration ten mm or more in diameter.
 - 2) There is an area of induration five mm or more in diameter and the attending physician or local health authority suspect tuberculosis on the basis of disease or exposure.
- d) If the first test is nonsignificant, a second test shall be given at least one week, but no more than three weeks, after the first test.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1135 (continued)

- e) If the first or second test reaction is significant, or if active tuberculosis is suspected at any time, the attending physician or local health authority shall order any further examination and treatment which is considered necessary, such as x-rays, cultures, or sputum smears.

(Source: Added at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1140 Behavior Emergencies

- a) If a resident becomes disturbed or unmanageable, the resident ~~he~~ shall be examined by the resident's ~~attending~~ physician ~~and/or~~ or ~~a~~ psychiatrist. This medical examination shall be made promptly. (B, ~~G~~)

- b) No form of seclusion shall be permitted. ~~(G)~~

- c) Restraints shall be used only in an emergency to protect the resident from harming himself or harming other residents, visitors or staff. If it is necessary to use restraints for this purpose, the attending physician shall be contacted immediately for his orders for this emergency. In the event the attending physician is not immediately available, the facility's advisory physician shall be contacted for such orders. This emergency use of restraints shall only be temporary and for a short period of time until other arrangements can be made to transfer the resident to an appropriate facility or until the resident can be restored through medical treatment to his normal behavior pattern. In a single emergency, restraints shall not be used for a period of more than four ~~(4)~~ hours. If a restraint is used for more than two ~~(2)~~ hours, it must be released for a few minutes at least once every two ~~(2)~~ hours, or more often if necessary. There must be close observation of the resident while a restraint is being used. No restraints with locking devices may be used. (B)

- d) The reason for using the restraint must be recorded in the resident's record and if retained in the facility for a short period for medical treatment, the attending physician must indicate the need for the use of a restraint in the resident's record. If the physician's order is a telephone order, it shall be immediately recorded on the resident's record and countersigned by the physician within ~~seventy-two~~ ~~(72)~~ hours in the same manner as physicians orders for medications in an emergency. ~~(G)~~

Section 330.1140 (continued)

- e) There shall be written policies which are followed in the operation of the facility, covering the use of restraints. (~~B, G~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART F: RESTORATIVE SERVICES

Section 330.1310 Activity Program

- a) There shall be a specific planned program of group and individual activities designed to encourage restoration to self care and maintenance of normal activity which is geared to the individual resident's needs. Activities shall be available daily and for a reasonable amount of time. Residents shall be given an opportunity to contribute to planning, preparation, conducting, cleanup, and critique of the program. (~~B, G~~)
- b) Activity personnel shall be provided to meet the needs of the residents and the program. Activity staff time each week shall total not less than 45 minutes multiplied by the number of residents in the facility. This time shall be spent in providing activity programming as described in subsection (e) of this Section as well as the planning and directing of the program. The time spent in the performance of other duties not related to the activity program shall not be counted as part of the required activity staff time. (In a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school, employment or sheltered workshop, the minimum hours per week of activity staff time may be reduced. The reduction shall be calculated by multiplying the number of residents in the facility who participate in such programs by the percentage of the day these residents spend in such programs.)

- c) Activity Director and Consultation

- 1) There shall be a trained staff person designated responsible for planning and directing the activities program. This person shall regularly scheduled to be on duty in the facility at least ~~4~~ four days per week.
- 2) If this person is not a Registered Occupational Therapist, a Therapeutic Recreation Specialist, or a Certified Social Worker with specialized coursework in social group work, the facility shall have a written agreement with a person from one of those

Section 330.1310(c)(2) (continued)

disciplines to provide consultation to the Activity Director at least monthly, in order to make sure that the activity programming meets the needs of the residents.

- 3) Any person designated as Activity Director who is responsible for planning and directing the activities program hired after December 24, 1987, shall have a high school diploma or equivalent.
- 4) The activity director shall have a minimum of ten ~~40~~ hours of continuing education per year pertaining to activities programming.
- 5) Consultation will be required only every six months when the activity director meets or exceeds the criteria in Appendix D: Criteria for Activity Directors Who Need Only Minimal Consultation. (See Section 330.920(b) for consultant services when required).
- d) There shall be written permission, with any contraindications stated, given by the resident's physician for the resident to participate in the activity program. Standing orders will be acceptable with individual contraindications noted. (~~B, G~~)
- e) The activity program should include at a minimum the following program areas:
- 1) Recreational activities (examples: games, both quiet and active; parties; outside entertainment ~~etc.~~).
 - 2) Crafts (applicable for both men and women).
 - 3) Religious activities (examples: Bible study or discussion; Bible quizzes and games; hymn singing; grace at meals ~~etc.~~). These are in addition to routine religious services.
 - 4) Service activities for community ~~and/or~~ or facility (examples: assist with community fund drives; projects for orphanages; care of one's own area in the facility; helping to fold linen ~~etc.~~).
 - 5) Intellectual and educational activities (examples: classes in writing, arithmetic, grooming, and social graces; planned group discussion; quizzes and word games; resident council;

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.1310(e)(5) (continued)

newsletter ~~etc.~~).

- 6) Community activities (examples: residents' participation in community activities such as plays; church events; band concerts; tours ~~etc.~~).

- f) A planned volunteer ~~and/or~~ or auxiliary program that assists with the activities program shall be encouraged. It shall be under the direction of a staff member in a supervisory capacity.

- g) Documentation of resident's response to program shall be part of the resident's record as set forth in Section 330.1710(f)(1).

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1320 Work Programs

Work programs for residents in facilities may be allowed if they are oriented toward resident adjustment and therapeutic benefits. ~~(C)~~

- a) Permission for such programming shall be secured from the Department. The program shall be presented in writing indicating such things as objectives, possible work assignment, duties, policies governing the program, agency involvement (where appropriate), and supervision. ~~(C)~~
- b) Residents involved in such programs shall meet all requirements of the Department for persons functioning in these positions. ~~(C)~~
- c) Residents shall not be used to replace employed staff. (B)
- d) Appropriate records shall be maintained for each resident functioning in these programs. These shall show appropriateness of the program for the individual, resident's response to the program and any other pertinent observations and shall become a part of the resident's record. (See Section 330.1710(f)(1)). ~~(C)~~
- e) All such programs shall be in full compliance with all applicable regulations of both the State and Federal Departments of Labor. Any program found by the Department not to be in compliance with State and Federal Departments of Labor regulations shall be terminated immediately. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.1330 Written Policies for Restorative Services

There shall be written policies, which are followed in the operation of the facility covering all restorative services offered by the facility to achieve and maintain the highest possible degree of function, self-care and independence. These shall be developed as set forth in Section 330.710 (a) through (c). (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART G: MEDICATIONS

Section 330.1510 Medication Policies

- a) Every facility shall adopt written policies and procedures, which are consistent with the purpose of the Act and this Part ~~these rules and regulations~~ and which shall be followed in the operation of the facility, for assisting residents in obtaining individually prescribed medication for self-administration and for disposing of medications prescribed by the attending physicians. (A, B, ~~C~~)

- 1) These policies and procedures shall be developed with consultation from an Illinois registered professional nurse and a registered pharmacist. These policies and procedures shall be part of the written program of care and services. (See Section 330.710.) (B, ~~C~~)
- 2) All medications taken by residents in a facility must be ordered by the attending physician directly from a pharmacy. Facility staff may not order medication from a pharmacy, unless the facility has a licensed nurse who supervises the medication regimen of the residents. In such facilities, the nurse may transmit the physician's orders to the pharmacy, as is done in nursing homes. (A, B, ~~C~~)
- 3) If the policies of the facility permit residents to be totally responsible for their own medication, when the attending physician gives written permission for such action, the policies of the facility shall provide that the resident and attending physician shall be given written statements concerning the relative responsibilities of each of the three parties (facility, resident and physician), in cases where the resident, or any other person, suffers harm due to the resident's actions in handling ~~his/her~~ their own medications. ~~(C)~~
- 4) If the facility elects to administer medications to some

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.1510(a)(4) (continued)

residents for control purposes, the medications must be administered by licensed physicians ~~and/or~~ or nurses.

b) Drug and Pharmacy Restrictions

- 1) No facility shall stock drugs. ~~(C)~~
- 2) No facility shall operate a pharmacy. ~~(C)~~

c) All medications on individual prescription or from the physician's personal supply shall be properly labeled as set forth in Section 330.1530(f). (A, B)

- 1) All other medications shall be authorized by a physician for individual resident use, and shall be clearly identified with the resident's name. (A, B, ~~C~~)
- 2) Attending physicians shall review the medication regimen of each resident at least every six ~~(6)~~ months. Documentation of this review shall be entered in the resident's record. (B, ~~C~~)

d) Medication Records

- 1) All medications used by residents shall be properly recorded by facility staff at time of use. (See Section 330.1710(g).) ~~(C)~~

- 2) A medication record need not be kept for those residents for whom the attending physician has given permission to keep their medication in their room and to be fully responsible for taking the medications in the correct dosage and at the proper times themselves.

e) Bottled oxygen may not be administered in a facility, except in an emergency. Not more than one 12-pound portable size tank of oxygen for such an emergency use shall be kept in the facility. However, the use of an oxygen concentrator is permitted when prescribed by a physician for a resident. The facility must be in compliance with directions for use of such equipment as established by the manufacturer. (A, B, ~~C~~)

- f) All discontinued legend or controlled drugs, all medications having an expiration date that has passed, and all medications of residents who have expired, shall be disposed of in accordance with the rules and regulations of the Federal Drug Enforcement Administration by the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.1510(f) (continued)

prescribing physician or the consultant pharmacist. A notation of their disposition shall be made in the resident's record. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1520 Administration of Medication

- a) All medications taken by residents in this type of facility must be self-administered, unless administered by a nurse or physician properly licensed to practice in Illinois. Facility staff shall NOT administer medication to residents unless the staff person is a properly licensed nurse or physician. (B, ~~C~~)
- b) No person shall be admitted to this type of facility who is not capable of taking ~~his/her~~ their own medications ~~and/or~~ and any needed biologicals (such as serums, vaccines, antigens and antitoxins), as approved in writing by the resident's personal physician. Facility staff, as they exercise program oversight, may remind ~~a~~ residents when to take medications and watch to ensure that ~~they~~ they follow ~~the~~ the directions on the container. (B, ~~C~~)

c) Assistance in Self-Administration of Medications

- 1) Facility staff may assist a resident in the self-administration of medications by taking the medication from the locked area where it is stored and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.
- 2) Facility staff may also assist physically impaired residents, such as those who have arthritis, cerebral palsy, or Parkinson's disease ~~etc.~~, in the removal of the medication from the container and in assisting the resident in consuming or applying the medication when requested to do so by the resident. (For example, a staff member may place a dose of medicine in a container and place the container to the mouth of a resident who would not be able to do so himself without spilling it.) (B, ~~C~~)

Attorney General's Opinion File No. S-1033 ~~S-1033~~, dated January 9, 1976, concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the Illinois Nursing Act (Ill. Rev. Stat. 1973, ch. 91, pars. 35.32 et seq.), and, as such, cannot be performed by persons who are not licensed

Section 330.1520 (continued)

as either Registered Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aides, orderlies, attendants, and other auxiliary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes."

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1530 Labeling and Storage of Medications

a) All medications shall be stored in a locked area at all times. Areas shall be well lighted and of sufficient size to permit storage without crowding. This area may be a drawer, cabinet, closet, or room. In those facilities where a licensed nurse dispenses medication to residents, medications may be stored in a locked mobile medication cart, which is made immobile when not in use by the nurse to dispense medication. (B—G—)

b) The key to the medicine area shall be the responsibility of, and in the possession of, the staff persons responsible for overseeing the self-administration of medications by residents. (B—G—)

1) The medicine area shall not be used for any other purpose. It shall not be located in residents' rooms, bathrooms, or the kitchen. However, for those persons whom the attending physician has given written permission to handle their own medication, medications may be stored in a locked drawer or cabinet in the resident's room along with other possessions of that resident. (B—G—)

2) Residents for whom the attending physician has given permission to be totally responsible for their own medication shall maintain possession of the key, or combination of the lock, to their own medication storage area. A duplicate key, or a copy of the combination, shall be kept by the facility in its safe, or some other secure place, for emergency use, such as if the resident should lose or misplace ~~his/her~~ their key, or forget the combination. (B—G—)

c) Medications for external use shall be kept in a separate location in the medicine area or in a separate locked area. (B—G—)

d) All poisonous substances and other hazardous compounds shall be kept in a separate locked area away from medications. (B—G—)

Section 330.1530 (continued)

e) Biologicals or medications requiring refrigeration shall be kept in a separate, securely fastened locked container in a refrigerator, or in a locked refrigerator. (B—G—)

f) The label of each individual medication container filled by a pharmacist shall clearly indicate the resident's full name, physician's name, prescription number, name and strength of drug, amount of drug, date of issue, expiration date of all time-dated drugs; name, address, and telephone number of pharmacy issuing the drug; and the initials of the pharmacist filling the prescription. If the individual medication container is filled by a physician from his own supply, the label shall clearly indicate all the preceding information except that pertaining to the identification of the pharmacy, pharmacist, and prescription number. (B—G—)

g) Medication in containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or dispensing physician for relabeling or disposal. Medications in containers having no labels shall be destroyed in accordance with Federal and State laws. (B—G—)

h) The medications of each resident shall be kept and stored in their originally received containers. Medications shall not be transferred between containers. (B—G—)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART H: RESIDENT AND FACILITY RECORDS

Section 330.1710 Resident Record Requirements

a) Each facility shall have a medical record system that facilitates the retrieval of information regarding individual residents as demonstrated by the facility. (G—)

b) The facility shall keep an active medical record for each resident. This resident record shall be kept current, complete, legible and available at all times to those personnel authorized by the facility's policies, and to the Department's representatives. (G—)

c) Record entries shall meet the following requirements:

- 1) Record entries shall be made by the person providing or supervising the service or observing the occurrence that is

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1710(c)(1) (continued)

being recorded. ~~(G)~~

- 2) Each record entry shall be written in ink or typed, shall be signed, dated, and shall include the profession or title of the person making the entry. ~~(G)~~
- d) All physician's orders and plans of treatment shall have the original written signature of the physician. The use of a physician's rubber stamp signature, with or without initials, is not acceptable. ~~(G)~~
- e) An ongoing resident record including progression toward and regression from established resident goals shall be maintained. (B~~—~~) ~~(G)~~

- 1) The progress record shall indicate significant changes in the resident's condition. Any significant change shall be recorded upon occurrence by the staff person observing the change. (B~~—~~) ~~(G)~~
- 2) Recommendations and findings of direct service consultants, such as providers of social, dental, dietary or rehabilitation services, shall be included in the resident's progress record when the recommendations pertain to an individual resident. ~~(G)~~

- f) A medication administration record shall be maintained which contains the date and time each medication is taken, name of drug, dosage, and by whom recorded. A medication administration record is not required for residents who have been approved by their physician to be fully responsible for their own medications under Section 330.1510(d)(2). ~~(G)~~

- g) Treatment sheets shall be maintained recording all resident care procedures ordered by each resident's attending physician. Physician ordered procedures which shall be recorded include, but are not limited to, the prevention of decubitus ulcers, weight monitoring to determine a resident's weight loss or gain, blood pressure monitoring, and fluid intake and output. ~~(G)~~

- h) The facility shall have the option of using universal progress notes in the medical records.

- 1) Each facility shall have a policy regarding the retirement and destruction of medical records. This policy shall specify the time frame for retiring a resident's medical record, and the method to be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1710(1) (continued)

used for record destruction at the end of the record retention period. The facility's record retirement policy shall not conflict with the record retention requirements contained in Section 330.1740 of this Part. ~~(G)~~

- j) Discharge information shall be completed within ~~forty-eight~~ 48 hours after the resident leaves the facility. The resident care staff shall record the date, time, condition of the resident, to whom released, and the resident's planned destination (home, another facility, undertaker). This information may be entered onto the admission record form. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1720 Content of Medical Records

- a) No later than the time of admission, the facility shall enter the following information onto the identification sheet or admission sheet for each resident:

- 1) Name, sex, date of birth and Social Security Number,
- 2) Marital Status, and the name of spouse (if there is one),
- 3) Whether the resident has been previously admitted to the facility,
- 4) Date of current admission to the facility,
- 5) State or country of birth,
- 6) Home address,
- 7) Religious affiliation (if any),
- 8) Name, address and telephone number of any referral agency, state hospital, zone center or hospital from which the resident has been transferred (if applicable),
- 9) Name and telephone number of the resident's personal physician,
- 10) Name and telephone number of the resident's next of kin or responsible relative,

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.1720(a) (continued)

- 11) Race and origin.
- 12) Most recent occupation.
- 13) Whether the resident or ~~his/her~~ the resident's spouse is a veteran.
- 14) Father's name and mother's maiden name.
- 15) Name, address and telephone number of the resident's dentist, and
- 16) The diagnosis applicable at the time of admission.

b) At the time of admission, the facility shall obtain a history of prescription and non-prescription medications taken by the resident during the ~~thirty~~ 30 days prior to admission to the facility (if available).

c) In addition to the information that is specified above, each resident's medical record shall contain the following:

- 1) Medical history and physical examination form that includes conditions for which medications have been prescribed, physician findings, all known diagnoses and restoration potential. This shall describe those known conditions that the medical and resident care staff should be apprised of regarding the resident. Examples of diagnoses and conditions that are to be included are allergies, epilepsy, diabetes and asthma. ~~(G)~~
- 2) A physician's order sheet that includes orders for all treatments, diet, activities and special procedures or orders required for the safety and well-being of the resident. The physician's order sheet shall also include a record of the medications prescribed for the resident by the physician, and a statement that the resident is capable of self-administering these medications. ~~(G)~~
- 3) An ongoing record of notations describing significant observations or developments regarding each resident's condition and response to treatments and programs.
 - A) Consultants who provide direct care or treatment to residents shall make notations at the time of each visit with a resident. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.1720(c)(3) (continued)

B) Significant observations or developments regarding resident responses to activity programs, social services, dietary services and work programs shall be recorded as they are noted. If no significant observations or developments are noted for three months, an entry shall be made in the record of that fact. ~~(G)~~

4) Documentation of visits to the resident by a physician and to the physician's office by the resident. ~~(G)~~ The physician shall record, or dictate and sign, the results of such visits, such as changes in medication, observations and recommendations made by the physician during the visits, in the record.

5) The results of the physical examination conducted pursuant to Section 330.1110(d) of this Part. ~~(G)~~

6) Upon admission from a hospital or state facility, a hospital summary sheet or transfer form that includes the hospital diagnosis and treatment, and a discharge summary. This transfer information, which may be included in the transfer agreement, shall be signed by the physician who attended the resident while in the hospital.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1730 Records Pertaining to Residents' Property

a) The facility shall maintain a record of any resident's belongings, including money, valuables and personal property, accepted by the facility for safekeeping. This record shall be initiated at the time of admission and shall be updated on an ongoing basis and made part of the resident's record. ~~(G)~~

b) When purchases are made for a resident from the resident's personal monies, receipts shall be obtained and retained that verify the date, amount, and items purchased. ~~(G)~~

c) A separate bookkeeping system shall be maintained by the facility which accounts for all transactions affecting each resident's account. Each individual resident, or the individual resident's representative, shall have access to the record of that individual resident's account. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1740 Retention and Transfer of Resident Records

- a) Records of discharged residents shall be placed in an inactive file and retained as follows:
 - 1) Records for any resident who is discharged prior to being ~~eighteen (18)~~ years old shall be retained at least until the resident reaches the age of ~~twenty-three (23)~~. ~~(C)~~
 - 2) Records of residents who are over ~~eighteen (18)~~ years old at the time of discharge shall be retained for a minimum of five ~~(5)~~ years. ~~(C)~~
- b) After the death of a resident, the resident's record shall be retained for a minimum of five ~~(5)~~ years. ~~(C)~~
- c) It is suggested that the administrator check with legal counsel regarding the advisability of retaining resident records for a longer period of time, and the procedures to be followed in the event the facility ceases operation.
- d) When a resident is transferred to another facility, the transferring facility shall send with the resident a reason for transfer, summary of treatment and results, laboratory findings, and orders for the immediate care of the resident. This information may be presented in a transfer form or an abstract of the resident's medical record. ~~(B)~~
~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1750 Other Resident Record Requirements

This Section contains references to rules located in other Subparts that pertain to the content and maintenance of medical records.

- ~~a) The resident's record shall include facts involved if the resident's discharge occurs despite medical advice to the contrary, as required by Section 330.620(f) of this Part.~~
- a) ~~(b)~~ The resident's record shall include information regarding the physician's notification and response regarding any serious accident or injury, or significant change in condition, as required by Section 330.1110(e) of this Part.
- b) ~~(c)~~ The resident's record shall identify the reasons for any order and use of safety devices or restraints, as required by Section 330.1140(d) of this Part.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1750 (continued)

- c) ~~(d)~~ The resident's record shall contain the physician's permission, with contraindications noted, for participation in the activity program, as required by Section 330.1310(d) ~~(e)~~ of this Part.
- d) ~~(e)~~ The records of residents participating in work programs shall document the appropriateness of the program for the resident and the resident's response to the program, as described in Section 330.1320(d) of this Part.
- e) Documentation of the review of the medication regimen by the attending physician shall be entered in the resident's record, as required by Section 330.1510(c)(2) of this Part.
- f) The resident's record shall include the physician's diet order and observations of the resident's response to the diet, as described in Section 330.1940 of this Part.
- g) The resident's record shall contain any physician determinations that limit the resident's access to the resident's personal property, as described in Section 330.4210(b) of this Part.
- h) The facility shall comply with Section 330.4210(g) of this Part, which requires that any medical inadvisability regarding married residents residing in the same room be documented in the resident's record.
- i) The facility shall permit each resident, resident's parent, guardian or representative to inspect and copy the resident's medical records as provided by Section 330.4220(g) of this Part.
- j) Any resident transfer or discharge mandated by the physical safety of other residents shall be documented in the resident's medical record as required by Section ~~(f)~~ 330.4300(d) and (g) of this Part.
- k) Summaries of discussions and explanations of any planned involuntary transfers or discharges shall be included in the medical record of the resident that is to be involuntarily transferred or discharged, as described in Section 330.4300(j) of this Part.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1760 Retention of Facility Records

The facility shall retain the records referenced in this Section for a minimum

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1760 (continued)

of three years. ~~(G)~~ It is suggested that the administrator check with legal counsel regarding the advisability of retaining records for a longer period of time, and the procedures to be followed in the event the facility ceases operation. The records for which this requirement applies are as follows:

- a) The annual financial statement described in Section 330.210 of this Part.
- b) The minutes of resident advisory council meetings required by Section 330.740(j) of this Part.
- c) The records of in-service training required by Section 330.760(b)(2) of this Part.
- d) Copies of reports of serious incidents or accidents involving residents required by Section 330.780 of this Part.
- e) The reports of findings and recommendations from consultants required in Section 330.1770(a) of this Part.

~~f) -g)~~ Copies of the quarterly reports for all employees that are filed for Social Security and Unemployment Compensation as required by Section 330.1770(d) of this Part.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1770 Other Facility Record Requirements

- a) The facility shall maintain a file of reports of findings and recommendations from consultants. Each report shall be dated and indicate each specific date and time the consultant was in the facility. ~~(G)~~
- b) The facility shall complete the Illinois Department of Public Health Annual Long Term Care (LTC) Facility Survey. ~~(G)~~
- c) The facility shall maintain a permanent chronological resident registry showing date of admission, name of resident and date of discharge or death. ~~(G)~~
- d) The facility shall make available to the Department upon request copies of the quarterly reports for all employees that are filed for Social Security and Unemployment Compensation. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1770 (continued)

e) Rules located in other Sections of this Part that pertain to the content and maintenance of facility records are as follows:

- 1) The facility shall file an annual financial statement as described in Section 330.210 of this Part.
- 2) Records and daily time schedules shall be kept on each employee as set forth in Section 330.760(a) and (b) of this Part.
- 3) Menu and food purchase records shall be maintained as set forth in Section 330.1980(d) and (f) of this Part.
- 5) The facility shall maintain a file of all reports of serious incidents or accidents involving residents as required by Section 330.780 of this Part.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART I: FOOD SERVICE

Section 330.1910 Director of Food Services

- a) Each facility shall have a full-time person, suited by training and experience, who has been designated by the administrator to be responsible for the total food service operation of the facility. This person shall be on duty a minimum of ~~forty~~ ~~(40)~~ hours each week. ~~(B-6)~~

- b) The head cook may be designated to fill this position as long as it does not interfere with the responsibilities of either position. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1920 Dietary Staff in Addition to Director of Food Services

There shall be a sufficient number of food service personnel employed and on duty to meet the dietary needs of all persons eating meals in the facility. Their working hours shall be scheduled to meet the total dietary needs of the residents. All dietary employees' time schedules and work assignments shall be posted in the kitchen. Dietary duties and job procedures shall be available in the dietary department for employees knowledge and use. ~~(B-6)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.1930 Hygiene of Dietary Staff

Food Service personnel shall be in good health, shall practice hygienic food handling techniques, and good personal grooming. (~~B-6~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1940 Diet Orders

- a) Physicians shall write a diet order, in the medical record, for residents indicating whether the resident is to have a general or a therapeutic diet and the diet shall be served as ordered. A diet order for each resident shall be sent in writing to the food service department for each new admission and for every subsequent change in diet for that resident ordered by his physician. (~~C~~)
- b) A diet order for each resident shall be sent in writing to the food service department. The diet order shall include, but is not limited to, the following information: name of resident, room ~~number~~ and bed number, type of diet, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department (see Section 330.1960 for ordering therapeutic diets). (B)
- c) The resident shall be observed to determine acceptance of the diet and these observations shall be recorded in his record. (~~B-6~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1950 Adequacy of Diet and Meal Pattern

- a) The daily food allowance for each resident shall meet the basic food pattern for a general diet for an adult following the recommendations of the Food and Nutrition Board, National Research Council, and shall include: (A, B)
- b) MILK AND MILK PRODUCTS: Two ~~42~~ or more eight ~~48~~ ounce servings of Grade A whole or low fat pasteurized milk where milk is used for fluid consumption (see Section 330.2000). Cheese and ice cream may be used to replace part of the milk. The amount of either needed to replace a given amount of milk is figured on the basis of calcium content. The equivalents are as follows:

- 1) One ~~41~~ inch cube of cheddar type cheese equals one-half ~~442~~ cup milk;

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.1950(b) (continued)

- 2) Two ~~42~~ cups cottage cheese equals one-half ~~442~~ cup milk;
 - 3) One ~~41~~ cup ice cream equals one-half ~~442~~ cup milk.
NOTE: If cheese is used as a serving of milk it may not be also counted as a serving of protein in the Meat Group.
- c) MEAT GROUP: Two ~~42~~ or more servings of protein food of good quality. The following are examples of one ~~41~~ serving:
- 1) Three ~~43~~ ounces (excluding bone and fat) of any cooked meat such as whole or ground beef, veal, pork or lamb; poultry; organ meats such as liver, heart, kidney; prepared luncheon meats.
 - 2) Three ~~43~~ ounces cooked fish or shell fish or one-half ~~442~~ cup canned fish.
 - 3) Three ~~43~~ ounces of natural or processed cheese or three-fourths ~~344~~ cup cottage cheese.
 - 4) Three ~~43~~ eggs (minimum weight 21 ounces per dozen). Note: If one egg is served for breakfast, a protein food of good quality may be reduced from six ~~46~~ to five ~~45~~ ounces for the remaining meals. If two ~~42~~ eggs are served for breakfast, a minimum of two ~~42~~ ounces of protein of good quality shall be served at each of the remaining meals.
 - 5) One ~~41~~ cup cooked dried peas or beans or six ~~46~~ tablespoons of peanut butter, not more than twice a week and provided eggs, milk or lean meat are served at the same meal.
 - 6) Combinations of all above examples are acceptable, provided the Minimum Standard of six ~~46~~ ounces of protein food of good quality is served daily and provided the combinations do not conflict with eye appeal or palatability.
- d) VEGETABLE AND FRUIT GROUP: Four or more one-half ~~442~~ cup servings of fruit ~~and/or~~ or vegetables. This shall include the following:
- 1) Sources of Vitamin C
 - A) One ~~41~~ serving of a good source of Vitamin C (grapefruit, grapefruit juice, orange, orange juice, cantaloupe, raw strawberries, broccoli, brussel sprouts,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1950(d)(1)(A) (continued)

- green pepper, sweet red pepper) OR
- B) Two ~~(2)~~ servings, one ~~(1)~~ cup, of a fair source of Vitamin C (raw cabbage, collards, kale, kohlrabi, mustard greens, potatoes, spinach, tomatoes, tomato juice, turnip greens.)
- 2) One ~~(1)~~ serving of a good source of Vitamin A at least three ~~(3)~~ times weekly (apricots, broccoli, cantaloupe, carrots, chard, collards, kale, persimmon, pumpkin, spinach, sweet potato, turnip greens and other dark green leaves, winter squash).
- 3) Other Fruits and Vegetables including Potatoes.
- 4) To insure variety, any vegetable or fruit repeated for the day shall not be counted as one of the four ~~(4)~~ servings required in this group.
- e) BREAD AND CEREAL GROUP: Four ~~(4)~~ or more servings of whole grain, enriched or restored. One ~~(1)~~ serving. One-half ~~(1/2)~~ cup cooked cereal or three-fourths ~~(3/4)~~ cup dry cereal equals one ~~(1)~~ serving.
- f) BUTTER OR MARGARINE: Two ~~(2)~~ tablespoons or more to be used as a spread and in cooking.
- g) OTHER FOODS: Serve other foods as necessary to round out meals, satisfy individual appetites, improve flavor, and meet the individual's nutritional and caloric needs. Snacks may also be used for this purpose.
- h) Meal Pattern: Foods for the day shall be planned to provide a variety of foods, variety in texture and good color balance to give "eye appeal" to the meal. The following meal patterns shall be used.

1) Three Meals A Day Plan

- A) Breakfast: Fruit or Juice, Cereal, Meat (optional, but three-four times per week preferable), Bread, Butter or Margarine, Milk, and Choice of Additional Beverage.
- B) Main Meal (May be served noon or evening): Soup or Juice (optional), Entree (quality protein), Potato or Potato Substitute, Vegetable ~~and/or~~ or Salad, Dessert

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1950(h)(1)(B) (continued)

- (preferably fruit unless fruit is served as a salad or will be served at other meal ~~(lunch or supper)~~, Bread, Butter or Margarine, and Choice of Beverage.
- C) Lunch or Supper: Soup or Juice (optional), Entree (quality protein), Potato or Potato Substitute (optional if served at main meal), Vegetable ~~and/or~~ or Salad, Dessert, Bread, Butter or Margarine, Milk, and Choice of Additional Beverage.
- 2) Four Meals A Day Plan
- A) Breakfast (7:00 or 7:30 A.M.): Juice, Cereal, Toast or Roll, Butter or Margarine, Milk, and Choice of Additional Beverage.
- B) Brunch (10:00 or 10:30 A.M.): Fruit or Juice; Main Dish (quality protein); Bread, Rolls or Special Breads (such as French toast, pancakes); Butter or Margarine; and Choice of Beverage.
- C) Full Dinner (4:00 or 4:30 P.M.): Appetizer or Soup, Protein Entree, Potato or Potato Substitute, Vegetable, Salad, Dessert, Bread or Roll, Butter or Margarine, Milk, and Choice of Additional Beverage.
- D) Snack (7:00 or 7:30 P.M.): Sandwich (Meat Group filling), Light Dessert, and Milk or Juice.
- 3) Five Meals A Day Plan
- A) Continental Breakfast (7:00 or 7:30 A.M.): Fruit Juice, Toast or Roll, Butter or Margarine, Milk, and Choice of Additional Beverage.
- B) Brunch (10:00 or 10:30 A.M.): Fruit or Juice, Cereal, Eggs ~~and/or~~ or Meat Dish, Bread or Muffin or Special Toast, Butter or Margarine, and Beverage.
- C) Snack (1:00 or 1:30 P.M.): Soup with Crackers; Small Sandwich with Meat Group filling, or cheese, or Peanut Butter and Crackers; and Milk or Beverage.
- D) Dinner (4:00 or 4:30 P.M.): Meat, Fish or Poultry; Potato or Potato Substitute; Vegetable, Salad; Bread or Roll;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1950(h)(3)(D) (continued)

Butter or Margarine; Dessert; Milk; and Choice of Additional Beverage.

- E) Snack (7:00 or 7:30 P.M.): Small Sandwich with Meat Group filling, Fruit Juice or Milk, and Dessert (such as ice cream, cookies, Jello, pudding, custard, or fruit).

(Source: Amended at 13 Ill. Reg. 6562 effective April 17, 1989)

Section 330.1960 Therapeutic Diets

- a) The diet order (see Section 330.1940(a)) shall include, but is not limited to, the following information: name of resident, room ~~number~~ and bed number, type of diet, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department. ~~(C)~~
- b) Medically prescribed diets shall be recorded in the resident's medical record and served as ordered. The resident shall be observed to determine acceptance of the diet and these observations shall be recorded in his record. ~~(B, C)~~
- c) The kinds and variations of these prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, diet information for each specific type shall be posted in the kitchen. ~~(C)~~
- d) All oral therapeutic diets, with the exception of liquid and medical soft diets, shall be reviewed at least every three months. Liquid diets shall be reviewed every ~~forty-eight~~ ~~(48)~~ hours; medical soft diets shall be reviewed every three weeks. This review may be done by nursing personnel with recommendations to the attending physician. ~~(C)~~
- e) If the facility accepts or retains individuals in need of medically prescribed diets, the diets shall be medically prescribed. Menus for such diets shall be planned by a dietitian or nutritionist. The facility shall provide the supervision for preparing and serving the special diets, obtaining consultation as needed from a dietitian or nutritionist. ~~(C)~~
- f) The facility shall have available, and in use, two ~~(2)~~ or more copies of a current diet manual approved by the Department. One copy

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1960(f) (continued)

shall be located in the kitchen for use by dietary personnel; other copies shall be located in an area where resident's medical records are kept. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1970 Scheduling of Meals

- a) A minimum of three ~~(3)~~ meals or their equivalent shall be served daily at regular times with no more than a ~~fourteen~~ ~~(14)~~ hour span between a substantial evening meal and breakfast. The ~~fourteen~~ ~~(14)~~ hour span shall not apply to facilities using the "four or five meal-a-day" plan, provided the evening meal is substantial and includes, but is not limited to, a good quality protein, bread or bread substitute, a dessert and a nourishing beverage. ~~(B, C)~~
- b) Between meals ~~and/or~~ or bedtime snacks of nourishing quality shall be offered. ~~(B)~~
- c) If a resident refuses food served, reasonable and nutritionally appropriate substitutes shall be served. ~~(B, C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1980 Menu Planning

- a) Menus, including menus for "sack" lunches and between meal ~~and/or~~ or bedtime snacks, shall be planned at least one ~~(1)~~ week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook marked "Substitutions" that is maintained in the kitchen. If a notebook is used to document substitutions, it shall include the date of the substitution ~~(C)~~; the meal at which the substitution ~~(C)~~ was ~~made~~ made; the menu as originally written; and the menu as actually served. ~~(B, C)~~
- b) The menu for the current week shall be dated and posted. Upon the request of the Department, sample menus shall be submitted for evaluation. ~~(C)~~
- c) Menus shall be different for the same day of consecutive weeks. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.1980 (continued)

- d) All menus as actually served shall be kept on file for not less than ~~thirty (30)~~ days. ~~(G)~~
- e) Supplies of staple food for a minimum of a one ~~(1)~~ week period and of perishable foods for a minimum of a two ~~(2)~~ day period shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu. ~~(G)~~
- f) Records of all food purchased shall be kept on file for not less than ~~thirty (30)~~ days. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.1990 Food Preparation and Service

- a) Foods shall be prepared by appropriate methods that will conserve their nutritive value, enhance their flavor and appearance. They shall be prepared according to standardized recipes and a file of such recipes shall be available for the cook's use. ~~(G)~~
- b) Foods shall be attractively served at the proper temperatures and in a form to meet individual needs. ~~(B, G)~~
- c) All residents shall be served in a dining room or multipurpose room except for an individual with a temporary illness or for other valid reasons. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2000 Food Handling Sanitation

Every facility shall comply with the ~~latest edition of the~~ Department's rules entitled "Food Service Sanitation" ~~rules~~ (77 Ill. Adm. Code 700).

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2010 Kitchen Equipment, Utensils, and Supplies

The kitchen or dietary area shall be adequate to meet the food service needs. It shall have adequate equipment, utensils, and supplies to properly store, prepare, and serve the required number of meals in accordance with the ~~latest edition of this~~ Department's rules entitled "Food Service Sanitation"

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.2010 (continued)

~~rules~~ (77 Ill. Adm. Code 700). This shall include, but is not limited to, the following: ~~(B, G)~~

- a) Each kitchen and floor pantry, or subkitchen, in each building shall be equipped with facilities to: maintain required food temperatures during storage, preparation and service; provide protection of cooking equipment and utensils from contamination; and prepare the planned meals. New or replacement equipment shall be of satisfactory institutional type based on generally accepted standards. ~~(G)~~
- b) There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives, and mixers ~~etc.~~ of the proper type to satisfactorily prepare the meals. ~~(G)~~
- c) There shall be proper equipment to maintain food temperatures during service to residents. This equipment may be in the form of heated food carts, insulated food containers, or suitable equivalent. ~~(B, G)~~
- d) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section 330.2210 Maintenance

- a) Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: ~~(B, G)~~
- 1) Maintain the building in good repair and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor coverings, such as tile or linoleum; loose handrails or railings; loose or broken window panes, and any other similar hazards. ~~(B, G)~~
 - 2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems. ~~(A, B, G)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.2210(a) (continued)

- 3) Maintain all electrical cords and appliances in a safe and functioning condition. (B-~~G~~)
- 4) Maintain the interior and exterior finishes of the building as needed to keep it attractive, clean and safe (painting, washing and other types of maintenance ~~etc.~~). ~~(G)~~
- 5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition. ~~(G)~~
- 6) Maintain the grounds and other buildings on the grounds in a safe, sanitary, and presentable condition. (B-~~G~~)
- 7) Maintain the grounds free from refuse, litter, insect and rodent breeding areas. ~~(G)~~
- 8) The building and grounds shall be kept free of any possible infestations of insects and rodents by eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than 16 mesh to the inch and repair of any breaks in construction. (B-~~G~~)

b) Plumbing Maintenance

- 1) Each facility shall maintain ~~Maintain~~ all plumbing fixtures and piping in good repair and properly functioning.
- 2) Each facility shall protect ~~Protect~~ the potable water supply from contamination by providing and properly installing adequate, backflow protection devices or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2220 Housekeeping

- a) Every facility shall have an effective plan for housekeeping including sufficient staff, appropriate equipment and adequate supplies. Each facility shall: (B-~~G~~)
 - 1) Keep the building in a clean, safe, and orderly condition. This includes all rooms, corridors, attics, basements, and storage

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.2220(a)(1) (continued)

areas. (B-~~G~~)

- 2) Keep floors clean, as nonslip as possible, and free from tripping hazards including throw or scatter rugs. ~~(G)~~
- 3) Control odors within the housekeeping staff's area of responsibility by effective cleaning procedures and by the proper use of ventilation systems. Deodorants shall not be used to cover up persistent odors caused by unsanitary conditions or poor housekeeping practices. ~~(G)~~
- b) Attics, basements, stairways, and similar areas shall be kept free of accumulations of refuse, discarded furniture, old newspapers, boxes, discarded equipment, and other items. (B-~~G~~)
- c) Bathtubs, shower stalls, ~~and/or~~ and lavatories shall not be used for laundering, janitorial, or storage purposes. ~~(G)~~
- d) All cleaning compounds, insecticides, and all other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms. (B-~~G~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2230 Laundry Services

- a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either thru an in-house laundry or a contract with an outside service. An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, and pillow cases ~~etc.~~ required to provide for the residents needs. Additional changes of linen may be required in consideration of laundering and transporting soiled linens. ~~(G)~~ If an in-house laundry service is provided, then the following conditions shall exist:

- 1) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. ~~(G)~~
- 2) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and storage of clean and soiled linens. ~~(G)~~
- 3) Laundry personnel must be in good health and practice good

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.2230(a)(3) (continued)

personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens. ~~(C)~~

- 4) Clean linen shall be protected from contamination during handling, transport and storage. ~~(C)~~
- 5) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel. ~~(C)~~
- 6) The laundry and its accessory storage and handling areas shall not be used as a storage area for supplies not directly connected with the operation of the laundry. ~~(C)~~
- b) If an outside laundry service is used, it shall provide for protection of clean linens during transport back to the facility. ~~(C)~~
- c) If the facility provides laundry service for residents personal clothing, it must be handled, transported and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section 330.2410 Furnishings

a) Bed Requirements

- 1) Each resident shall be provided with a bed which is at least ~~thirty-six~~ ~~(36)~~ inches wide, have a headboard, be of sturdy construction and in good repair. Cots, rollaways, double, or folding beds shall not be used. ~~(C)~~
- 2) Double beds may be used for married couples, if they desire this arrangement, if approved in writing by the Department. ~~Similarly, the requirement for a headboard and footboard may be waived. (C)~~
- b) Each bed shall be provided with satisfactory type springs in good

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.2410(b) (continued)

repair and a clean, firm, comfortable mattress of appropriate size for the bed. ~~(C)~~

- c) Each bedroom shall have window shades, or equivalent, in good repair. ~~(C)~~
- d) A satisfactory reading lamp, or equivalent, shall be provided for each bed. ~~(C)~~
- e) Each bed shall be provided with a minimum of one ~~(1)~~ clean, comfortable pillow. ~~(C)~~
- f) Each bedroom shall be provided with a mirror, unless there is a mirror in a bathroom opening into this bedroom. Each lavatory shall be provided with a mirror. ~~(C)~~
- g) Each living room for residents use shall be provided with an adequate number of reading lamps, tables, and chairs or settees. These furnishings shall be well constructed and of satisfactory design for the residents. ~~(C)~~
- h) Dining room furnishings shall be provided for each resident which are well constructed, comfortable, in good repair, and of satisfactory design for the residents. There shall be a sufficient number of tables, of a type that can be used by wheelchair residents, to accommodate all such residents in the facility. ~~(C)~~
- i) Office spaces, and other areas shall be satisfactorily furnished with desks, chairs, lamps, cabinets, benches, work tables, ~~and/or~~ and other furnishings essential to the proper use of the area. ~~(C)~~
- j) For each bed there shall be furnished:
 - 1) A minimum of two ~~(2)~~ adequately sized dresser drawers. ~~(C)~~
 - 2) A comfortable chair. ~~(C)~~
 - 3) An individual towel rack. ~~(C)~~
 - 4) A satisfactory reading light over, or at the side of, the bed. ~~(C)~~
 - 5) Adequate closet, locker, or wardrobe space for hanging clothing within the room. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.2410(j) (continued)

- 6) A satisfactory bedside cabinet. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2420 Equipment and Supplies

- a) The facility shall have a supply of thermometers, emesis basins, ice bags, hot water bottles or equivalent, bedpans, urinals, and sets of enema equipment sufficient to meet the needs of its residents. ~~(B-
G)~~
- b) There shall be at least one ~~(1)~~ bedside screen available in the facility for each ~~fifty~~ ~~(50)~~ beds or major fraction thereof in multiple bedrooms to provide residents' privacy when needed. ~~(C)~~
- c) There shall be a sufficient supply of linen and bedding in good condition to provide proper care and comfort to the residents. It shall include, but is not limited, to the following: ~~(B-
G)~~

- 1) Sheets, four ~~(4)~~ per bed.
- 2) Pillow cases, three ~~(3)~~ per bed.
- 3) Bed blankets, two ~~(2)~~ per bed.
- 4) Bedspreads, two ~~(2)~~ per bed.
- 5) Washcloths and hand towels, as needed.
- 6) Bath towels, three ~~(3)~~ per bed.
- 7) Patient hospital gowns as needed.

- 8) Pillows, one ~~(1)~~ per bed plus a ~~10%~~ ten percent reserve.

- d) There shall be a first-aid kit or emergency box in every facility. This shall contain bandages, sterile gauze dressings, bandage scissors, tape, sling, burn ointment, and any other equipment deemed necessary. ~~(B-
G)~~

- e) Activity program supplies shall be provided to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, games, crafts supplies, current magazines, books, radio, television, and record player. A

Section 330.2420(e) (continued)

piano or organ is recommended as an important adjunct to the activity program equipment. ~~(C)~~

- f) Dishes and kitchen equipment shall be provided as set forth in Section 330.2000. ~~(C)~~
- g) Cleaning equipment and supplies shall be provided as set forth in Sections 330.2210 through 330.2220. ~~(C)~~
- (Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section 330.2610 Codes

Water supply and sewage disposal and plumbing systems shall comply with all applicable State and local codes and ordinances. ~~(B-
G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2620 Water Supply

- a) Each facility shall be served by water from a municipal public water supply when available. ~~(B-
G)~~
- b) When a municipal public water supply is not available, the water supply shall comply with the Department's rules entitled ~~for~~ "Drinking Water Systems" (77 Ill. Adm. Code 900), ~~as amended~~. ~~(B-
G)~~

- c) ~~1)~~ If water is supplied by a well that is not part of a municipal system, the well shall be constructed and maintained in accordance with the "Illinois Water Well Construction Code" (77 Ill. Adm. Code 920) and "Illinois Water Well Pump Installation Code" (77 Ill. Adm. Code 925).

- d) ~~2)~~ Each facility shall have a written agreement with a water company, dairy, or other water purveyor to provide an emergency supply of potable water for drinking and culinary purposes.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.2630 Sewage Disposal

- a) All sewage and liquid wastes shall be discharged into a public sewage system when available. (B-~~G~~-)
- b) When a public sewage system is not available, sewage and liquid wastes shall be collected, treated, and disposed of in a private sewage disposal system. The design, construction, maintenance, and operation of the system shall comply with the "Private Sewage Disposal Code" (77 Ill. Adm. Code 905) ~~as amended~~. (B-~~G~~-)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2640 Plumbing

Each plumbing system shall comply with the Illinois Plumbing Code (77 Ill. Adm. Code 890) ~~and the rules promulgated thereunder~~ effective at the time of construction ~~and/or~~ or approved acceptance by the Department. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW
SHELTERED CARE FACILITIES

Section 330.2820 Applicability of These Standards

- a) ~~This Subpart M. These standards~~ shall apply to all new construction. This includes all new buildings; and all additions, and alterations to existing buildings.
- b) Alterations that do not bring the building in compliance with the standards in this Subpart M may be approved by the Department in licensed facilities if it can be demonstrated to the satisfaction of the Department that the alterations will provide equivalent facilities, or safety to the residents and will not increase bed capacity.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2830 Submission of a Program Narrative

A written description of the program shall be submitted for review with, or prior to, submission of the preliminary drawings and outline specifications.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.2830 (continued)

Drawings will not be reviewed until this written description ~~the program~~ is submitted.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2840 New Constructions, Additions, Conversions, and Alterations

- a) When construction is contemplated for new buildings, additions, conversions, or alterations to existing buildings, coming within the scope of these standards, preliminary drawings and outline specifications shall be submitted to the Department for review and approval prior to starting final working drawings and specifications. Such approval will be based upon compliance with Section 330.2850 of this Subpart. ~~(G)~~
- b) A review of preliminary drawings and outline specifications will be made only after the pre-application information forms have been submitted to the Department. (See Section 330.120(a).)
- c) The final working drawings and specifications for all trades shall be submitted to the Department for review and approval prior to releasing them to bidders. Such approval will be based upon compliance with Section 330.2850 of this Subpart.
- d) The Department shall be notified of the award of contracts. ~~(G)~~
- e) Any contract modifications which affect or change the function, design, or purpose of a facility shall be submitted to the Department for approval prior to authorizing the modifications. (B-~~G~~-)
- f) The Department shall be notified when construction has been completed and prior to any area of the building being occupied by residents. (B-~~G~~-)
- g) Minor alterations or remodeling changes which do not affect the structural integrity of the building, change functional operation, affect fire safety, add facilities over those for which the facility is licensed and classified, need not be submitted for approval. ~~(G)~~
- h) No system of water supply, sewerage, plumbing, garbage or refuse disposal shall be installed, nor any such existing system materially altered or extended until complete plans and specifications for the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.2840(h) (continued)

installation, alteration, or extension have been submitted to the Department, reviewed and approved. ~~(B, G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2850 Preparation and Submission of Drawings and Specifications

- a) The preparation and submission of drawings and specifications shall be executed by or be under the immediate supervision of an architect registered in the State of Illinois, unless this requirement is waived by the Department. ~~(G)~~
- b) All drawings and specifications shall identify clearly the facility as to its name, proposed level of services and location. ~~(G)~~
- c) All drawings and specifications shall contain the architect's name and address. The first sheet of the drawings and the cover of the specifications shall have his Illinois registration seal and the date. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2860 First Stage Drawings

- a) Development of the preliminary sketch plans shall indicate in detail the assignment of all spaces, including size of areas and rooms, and shall outline the fixed and movable equipment and furniture. ~~(G)~~
- b) The plans shall be drawn at a scale sufficiently large to clearly present the proposed design. ~~(G)~~

- c) The total floor area shall be computed and shown on the drawings. ~~(G)~~

- d) The drawings shall include:

- 1) A plan of each floor including the basement or ground floor.
- 2) Roof plan. ~~(G)~~
- 3) Elevations of all facades. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.2860(d) (continued)

- 4) A plot plan showing roads, parking areas, sidewalks, existing structures, location of easements, setbacks, utilities, manholes and inverts. ~~(G)~~
- 5) Sections through the building. ~~(G)~~
- 6) Existing work must be completely shown on submission for additions, conversions or alterations. ~~(G)~~
- e) Outline specifications shall provide a general description of the construction including interior finishes; acoustical material; its extent and type; extent of the floor covering, air conditioning, heating and ventilating systems, and their controls, general description of the electrical service; and the type of elevators. ~~(G)~~

- f) The following information shall be submitted on or with the preliminary drawings and outline specifications:

- 1) Name of proposed facility. ~~(G)~~
- 2) Address of proposed facility. ~~(G)~~
- 3) Name of owner. ~~(G)~~
- 4) Level ~~(G)~~ of care to be provided. ~~(G)~~
- 5) Number of residents by floor, and total number. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2870 Second Stage Drawings

All working drawings shall be well prepared so that clean and distinct prints may be obtained, accurately dimensioned, and include all necessary explanatory notes, schedules, and legends. Working drawings shall be complete and adequate for contract and construction purposes. Separate drawings shall be prepared for each of the following sections of work; Architectural, Structural, Mechanical, and Electrical. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.2880 Architectural Drawings

The architectural drawings shall include:

- a) Site plan showing all new topography, newly established levels and grades; existing structures on the site (if any); new buildings and structures; roadways; walks; and the extent of the areas to be seeded. All structures and improvements which are to be removed under the construction contract shall be shown. ~~(G)~~
- b) Plan of each floor and roof. ~~(G)~~
- c) Elevations of each facade. ~~(G)~~
- d) Sections through building. ~~(G)~~
- e) Required scale and full size details. ~~(G)~~
- f) Elevator and dumbwaiter details and dimensions, size of car platform, travel, pit and machine room. ~~(G)~~
- g) Kitchen, laundry and clean and soiled utility room shall show location, size and required connections of all fixed and movable equipment.
- h) Schedule of doors and finishes.
- i) Location of all fixed equipment and major items of movable equipment. Equipment not in contract shall be so indicated.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.2890 Structural Drawings

a) The structural Drawings shall include:

- 1) Plans of foundations, floors, roofs, and all intermediate levels shall show a complete design with sizes, sections, and the relative location of the various members. Schedule of beams, girders, and columns. ~~(G)~~
- 2) Floor levels, column centers, and offsets shall be dimensioned. ~~(G)~~
- 3) Special openings and pipe sleeves shall be dimensioned or otherwise noted for easy reference. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.2890(a) (continued)

- 4) Details of all special connections, assemblies, and expansion joints shall be given. ~~(G)~~
- 5) Notes on design data shall include the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil bearing pressures. ~~(G)~~
- b) For special structures, a stress sheet shall be incorporated in the drawings showing:
 - 1) Outline of structure. ~~(G)~~
 - 2) All load assumptions used. ~~(G)~~
 - 3) Stresses and bending moments separately for each kind of loading. ~~(G)~~
 - 4) Maximum stresses ~~and/or~~ and bending moment for which each member is designed.
 - 5) Horizontal and vertical reactions at column bases.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3000 Mechanical Drawings

Mechanical drawings shall include:

- a) These drawings with specifications shall show the complete heating, steam piping, ventilation and air conditioning systems; plumbing, drainage and stand pipe systems; laundry and kitchen ventilation.
- b) Heating, steam piping, air conditioning and ventilation including:
 - 1) Radiators and steam heated equipment, such as sterilizers, warmers, and steam tables.
 - 2) Heating and steam mains and branches with pipe sizes.
 - 3) Diagram of heating and steam risers with pipe sizes.
 - 4) Sizes, types and heating surfaces of boilers; furnace with stokers and oil burners, if any.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3000(b) (continued)

- 5) Pumps, tanks, boiler breeching, piping and boiler room accessories.
- 6) Air conditioning systems with required equipment, water and refrigerant piping and ducts. ~~(G)~~
- 7) Supply and exhaust ventilating systems with necessary duct work and piping.
- 8) Air quantities for all room supply and exhaust ventilating duct openings. ~~(G)~~
- c) Plumbing, drainage, and stand pipe systems including:
 - 1) Size and elevation of street sewer, house sewer, house drains, street water main, and water service into the building.
 - 2) Location and size of soil, waste, and vent stacks with connections to house drains, clean outs, fixtures, and equipment.
 - 3) Size and location of hot, cold, and circulating mains, branches, and risers from the service entrance and tanks.
 - 4) Riser diagram to show all plumbing stacks with vents, water risers, and fixture connections.
 - 5) Gas, oxygen, and special connections.
 - 6) Stand pipe and sprinkler systems.
 - 7) Plumbing fixtures and fixtures which require water and drain connections.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)Section 330.3010 Electrical Drawings
Electrical drawings shall include:

- a) All electrically operated systems and equipment. ~~(G)~~
- b) Electrical service entrance with service switches, service feeders to the public service feeders, and characteristics of the light and

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3010(b) (continued)

- power current. Transformers and their connections shall be shown. ~~(G)~~
- c) Plan and diagram showing main switchboard, power panels, light panels, and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches. ~~(G)~~
- d) Light outlets, receptacles, switches, power outlets, and circuits. ~~(G)~~
- e) Telephone layout showing service entrance, switchboard, strip boxes, outlets, and branch conduit as approved by the telephone company. Provide separate room and conduits for racks and automatic switching equipment as required by the telephone company. ~~(G)~~
- f) Fire alarm system with stations, signal systems, detectors, control board, and wiring diagrams. ~~(G)~~
- g) Emergency electrical system with outlets, transfer switch, source of supply, feeders, and circuits. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3020 Additions to Existing Structures

Procedures and requirements for working drawings and specifications shall be followed as set forth in Sections 330.2880 through 330.3030; and in addition, the following information shall be submitted:

- a) Type of activities within the existing building and distribution of existing beds. ~~etc.~~ ~~(G)~~
- b) Type of construction of existing building and number of stories. ~~(G)~~
- c) Plans and details showing attachment of new construction to the existing structure and mechanical systems. ~~(G)~~
- d) Exits including details and distances when related to the addition.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3030 Specifications

Specifications shall supplement the drawings to fully describe, except where fully indicated and described on the drawings, the materials, workmanship, the kind, sizes, capacities, finishes, and other characteristics of all materials, products, articles, and devices and shall include: ~~(C)~~

- a) Cover or title sheet.
- b) Index.
- c) Instructions to bidders.
- d) Bid form.
- e) Form of agreement.
- f) General conditions.
- g) Special conditions.
- h) Performance and payment bond forms.
- i) Sections describing materials and workmanship in detail for each class of work.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3040 Building Codes

- a) The design and construction of the facility shall meet the minimum requirements of ~~the latest revised edition and amendments of~~ the following Codes and Regulations except as modified within this Part ~~these standards~~: (A, B, ~~C~~)
 - 1) National Fire Protection Association's National Fire Codes, including but not limited to:
 - A) The Life Safety Code. (A, B, ~~C~~)
 - B) The National Electric Code. (A, B, ~~C~~)
 - 2) ~~The~~ Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health. (A, B, ~~C~~)
 - 3) Fire Prevention and Safety (41 Ill. Adm. Code 100), Office of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3040(a)(3) (continued)

the State Fire Marshal. (A, B, ~~C~~)

- 4) Illinois Accessibility Code ~~Standards Illustrated~~ (71 Ill. Adm. Code 400), Capital Development Board. (A, B, ~~C~~)
- 5) Food Service Sanitation (77 Ill. Adm. Code 750), Department of Public Health, ~~160 North LaSalle Street, Chicago, Illinois 60601~~. (A, B, ~~C~~)
- b) In addition to the Codes and Regulations listed in this Section ~~above~~, the design and construction of the facility shall meet the minimum requirements of all applicable local building codes and ordinances. (A, B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3050 Site

Every building shall:

- a) Be located on a reasonably flat or rolling, well drained site that is not subject to flooding; reasonably free from sources of excessive noise, noxious and hazardous smoke and fumes; not in a deteriorated, unpleasant, or potentially hazardous urban area; and not near uncontrolled sources of insect and rodent breeding. ~~(C)~~
- b) Be located so that the building or buildings can comply with any applicable local zoning ordinances, building restrictions ~~and~~ ~~or~~ and fire safety requirements. The Department may have additional requirements if the proposed locations of the building or buildings on the site would result in a hazard to or be detrimental to the health, welfare, ~~and~~ ~~or~~ or safety of the residents in the facility. ~~(C)~~
- c) Comply with all applicable zoning ordinances.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3060 General Building Requirements ~~Building General~~

Every building shall:

- a) Be structurally sound, in good repair, and attractive inside and outside. (B, ~~C~~)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3060 (continued)

- b) Have a minimum of one ~~(1)~~ adequately sized elevator in all buildings of two ~~(2)~~ or more stories in height. Additional elevators as determined by the Department shall be provided based upon the population and condition of the residents. The basement shall be considered as one ~~(1)~~ story if it is used by residents. (B, ~~6~~)
- c) Have stairways with a minimum head room of seven ~~(7)~~ feet, a minimum width of three ~~(3)~~ feet eight ~~(8)~~ inches on required exit stairs, when serving resident areas, and three ~~(3)~~ feet for all others. If handrails project more than three ~~(3)~~ and one-half ~~(1/2)~~ inches, the width shall be measured between the handrails. Have treads of not less than ~~(11)~~ inches, and risers of not more than seven ~~(7)~~ and one-half ~~(1/2)~~ inches. Stairways with triangular or winding treads or single risers are not acceptable. (B, ~~6~~)
- d) Have sturdy handrails on both sides of each stairway whether inside or outside of the building. Handrails shall be one ~~(1)~~ and one-half ~~(1/2)~~ inches in diameter at least and one ~~(1)~~ and one-half ~~(1/2)~~ inches clear of the wall. (B, ~~6~~)
- e) Have a ceiling height of eight ~~(8)~~ feet or more throughout all rooms occupied or used by the residents. (B, ~~6~~)
- f) Have main entrance and exit doors swinging outward with a minimum clear width of three ~~(3)~~ feet, eight ~~(8)~~ inches. Provide panic hardware and door closers. (B, ~~6~~)
- g) Have each exterior door equipped with a signal that will alert personnel in the area if a resident leaves the building. An exterior door that is supervised during certain periods during the day or night may have a disconnect device for part time use. If there is constant ~~(24)~~ hour a day supervision of the door, a signal is not required. (B, ~~6~~)
- h) Have all doors and windows fit snugly and weathertight, yet will open and close easily. ~~(6)~~
- i) Have all outside doors, other than at required exits, and nonstationary windows equipped with tight fitting full length ~~(16)~~ mesh screens. Screen doors shall be equipped with self-closing devices. ~~(6)~~
- j) Have all floors free from cracks and finished so that they can be

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3060(j) (continued)

- easily, properly, and efficiently cleaned. Floors in bath rooms, kitchens, and utility rooms shall be covered wall to wall with inlaid linoleum, terrazzo, ceramic tile, or an equivalent material. (B, ~~6~~)
- k) Have all walls and ceilings of sound construction and covered with plaster or an equivalent, free from cracks, holes, or heavily textured surfaces. ~~(6)~~
- l) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other insects. ~~(6)~~
- m) Be provided with sufficient and satisfactory artificial lighting wherever required throughout the building and grounds. ~~(6)~~
- n) All doorways used by residents shall be flush with the floor. ~~(6)~~
- o) Be served by reliable telephone service. (B, ~~6~~)
- p) Provide a medicine cabinet and sink with hot and cold running water. (See Section 330.1530(a).) ~~(6)~~
- q) Have no other business not related to health care conducted in the building that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and shall have a separate entrance. ~~(6)~~
- (Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)
- Section 330.3070 Administration
- Every building shall:
- a) Provide sufficient administrative office space for clerical, financial, and managerial functions. ~~(6)~~
- b) Provide satisfactory space which can be used for privacy in interviewing applicants ~~and for discussion with relatives~~. ~~(6)~~
- c) Provide satisfactory space or an office for the administrator. ~~(6)~~
- (Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3080 Corridors

Every building shall meet the following requirements:

- a) All corridors used by residents shall have a minimum unobstructed width of six ~~(6)~~ feet and lighted properly at night and all other times when necessary. If handrails project more than three ~~(3)~~ and one-half ~~(1 1/2)~~ inches, the width shall be measured between handrails. (B-~~7~~-~~6~~-)
- b) Corridors used by residents shall be enclosed and have a minimum ceiling height of seven ~~(7)~~ feet eight ~~(8)~~ inches. (B-~~7~~-~~6~~-)
- c) Corridors and passages used by residents shall have sturdy handrails one ~~(1)~~ and one-half ~~(1 1/2)~~ inches in diameter and be at least one ~~(1)~~ and one-half ~~(1 1/2)~~ inches clear of the wall. (B-~~7~~-~~6~~-)
- d) Enclosed corridors shall be properly heated. ~~(6)~~
- e) Corridors shall not be used to supply air to or exhaust air from any room, except that exhaust air from corridors may be used to ventilate rooms such as bathrooms, toilet rooms, or janitor's closets which open directly on corridors. ~~(6)~~
- f) For exit corridors, see Section 330.3380.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3090 Bath and Toilet Rooms

Every building shall meet the following requirements:

- a) Provide a minimum of one ~~(1)~~ water closet, one ~~(1)~~ lavatory, and one ~~(1)~~ bathtub or shower for each sex on each floor occupied by residents. ~~(6)~~
- b) Provide fixtures in the following minimum numbers. The maximum capacity of resident beds on each floor shall be used in determining the number of fixtures required, irrespective of the fact that some of the beds may not be occupied. ~~(6)~~
- c) One ~~(1)~~ lavatory and one ~~(1)~~ water closet for each ten ~~(10)~~ resident beds on each floor. ~~(6)~~
- d) One ~~(1)~~ bathtub or shower for each ~~(15)~~ resident beds on each floor. ~~(6)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3090 (continued)

- e) All bath and toilet rooms shall be easily accessible, conveniently located, and well lighted. They shall be ventilated to the outside atmosphere by an exhaust fan with six ~~(6)~~ air changes an hour. Group bath and toilet facilities shall be partitioned for complete privacy. ~~(6)~~
- f) Resident toilet rooms shall open directly to corridors or into resident bedrooms. When the toilet rooms open into resident bedrooms, the door must swing into the resident's bedroom. All doors in the toilet rooms used by residents shall have a minimum door width of three ~~(3)~~ feet. (B-~~7~~-~~6~~-)
- g) Bathroom fixtures shall be of substantial construction and designed so that they may be easily and properly cleaned. All bathtubs, showers, and water closets shall be provided with satisfactory and properly placed handgrips ~~and/or~~ or grab bars. ~~(6)~~
- h) Each bath and toilet room shall be well lighted, have a light switch just inside the door, be provided with a well-lighted mirror for each lavatory. ~~(6)~~
- i) Provide at least one ~~(1)~~ bathroom or enclosure of not less than eight ~~(8)~~ feet six ~~(6)~~ inches by eight ~~(8)~~ feet six ~~(6)~~ inches with an acceptable system for bathing persons with physical disabilities. If a shower is installed in lieu of a bathtub, such shower shall have a minimum dimension of four ~~(4)~~ feet wide by three ~~(3)~~ feet six ~~(6)~~ inches deep. These showers shall have a water inlet approximately four and one-half ~~(4 1/2)~~ feet above the floor to which is connected a flexible hose with spray or shower head attached to the end of the hose. If desired, a conventional shower head installation may also be provided but it must be valved off from the lower water inlet. ~~(6)~~
- 1) All other showers shall have a minimum dimension of three ~~(3)~~ feet by three ~~(3)~~ feet and need not have a water inlet as specified above. ~~(6)~~
- 2) Shower stalls shall have a low or no curb at the entrance opening. ~~(6)~~
- j) If toilets provided adjacent to residents' bedrooms are not large enough to permit use by wheelchair residents, at least one ~~(1)~~ toilet room or enclosure in the facility five ~~(5)~~ feet by six ~~(6)~~ feet shall be provided. Provide a lavatory usable by wheelchair residents for this toilet. ~~(6)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3090 (continued)

- k) No toilet or bathroom doors shall be hardware to allow a resident to become locked in the room. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3100 Living, Dining, Activity Rooms ~~(C)~~

Every building shall have living, dining, and activity rooms which meet the following requirements:

- a) Provide at least one ~~(1)~~ comfortably furnished living room and dining room for use of residents. In multiple story buildings, living rooms will be provided on each floor. The activity room may be combined with the living ~~and/or~~ or dining room. Under no circumstances shall this room or rooms be used as a bedroom. ~~(C)~~
- b) The room ~~(C)~~ shall have a combined area of not less than ~~twenty-five (25)~~ square feet per resident bed. ~~(C)~~
- c) The dining room or area shall have at least ten ~~(10)~~ square feet per resident bed. ~~(C)~~
- d) Room ~~(C)~~ shall be well lighted and ventilated and easily accessible to all residents. ~~(C)~~
- e) Be an outside room. Additional interior rooms may be used for television, craft, or similar activities. ~~(C)~~
- f) Be so located that the room is not an entrance vestibule from the out-of-doors, nor an obstruction to traffic in and out of the facility. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3110 Bedrooms

Every building shall meet the following requirements:

- a) Resident bedrooms in all facilities shall be a minimum of ten ~~(10)~~ feet between walls or a wall and any built-in furniture or storage space. Each such bedroom shall have an entrance directly off a corridor with an entrance door not less than three ~~(3)~~ feet wide that swings into the room. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3110 (continued)

- b) Each single bedroom used for a resident shall have at least ~~one hundred (100)~~ square feet of usable net floor area, not including any space taken up for closets, wardrobes, bathrooms, and clearly definable entryway areas. ~~(C)~~
- c) Each multiple bedroom used for residents shall have at least ~~eighty (80)~~ square feet of usable floor area for each resident, not including any space taken for closets, wardrobes, bathrooms, and clearly definable entryway areas. Beds shall be at least three ~~(3)~~ feet apart, and no more than three ~~(3)~~ deep from an outside wall. ~~(C)~~
- d) Maximum capacity of a bedroom shall be four ~~(4)~~ residents. ~~(C)~~
- e) Each bedroom shall be at or above grade level. ~~(C)~~
- f) Each room used as a resident bedroom shall have at least one ~~(1)~~ outside window, and a total window area to the outside equal to at least one-tenth ~~(1/10)~~ the floor area of the room. Windows shall open and close easily. ~~(C)~~
- g) Each bedroom shall have adequate and satisfactory artificial light and be equipped with at least three ~~(3)~~ duplex electric convenience outlets. Electric cords shall not be strung from a ceiling fixture. There shall be an electric switch near the door to control at least one ~~(1)~~ light in the room. ~~(C)~~
- h) Provide a closet or wardrobe of at least two ~~(2)~~ feet square for each resident. ~~(C)~~
- i) Bedroom doors shall have no hardware that will allow the resident to lock himself in the room. The door may be keyed on the corridor side to prevent others from entering the room. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3120 Special Care Room

Every building shall meet the following requirements:

- a) Provide for each ~~twenty-five (25)~~ beds or less, a single bedroom to isolate a resident who becomes ill enough to require special care. It shall be located for proper and efficient supervision of the resident. (B, ~~C~~)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3120 (continued)

- b) Provide this room with a toilet, lavatory, and all other necessary facilities to meet the resident's needs. ~~(C)~~
- c) This room shall have at least ~~one hundred~~ ~~(100)~~ square feet of usable floor area, not including any space taken up by closets and wardrobes. It shall be a minimum of ten ~~(40)~~ feet from wall to wall or a wall and any built-in furniture or storage space. ~~(C)~~
- d) The room may be included in the authorized maximum bed capacity for the facility. It is permissible for the room to be occupied by a resident, not in need of special care, provided the resident is clearly informed and understands he will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3130 Kitchen

Every building shall meet the following requirements:

- a) The kitchen shall have an area of at least ~~two hundred~~ ~~(200)~~ square feet. ~~(C)~~
- b) Provide a kitchen properly located for efficient food service, and large enough to accommodate the equipment and personnel needed to prepare and serve the number of meals required. The kitchen area, not including food storage area, shall be approximately ten ~~(40)~~ square feet for each resident bed whether the beds are in the same building or not. The approximate ten ~~(40)~~ square feet per resident bed may be reduced for facilities with ~~forty~~ ~~(40)~~ or more beds. Any deviation must receive prior approval from the Department. ~~(B, G)~~
- c) Provide a kitchen with institutional type equipment for convenience in operation, for healthful working conditions, for good sanitation, and for control of heat, noise, and odors. ~~(B, G)~~
- d) Equipment shall be in compliance with the adopted Standards, Basic or Special Criteria of the National Sanitation Foundation Testing Laboratory, or equivalent. ~~(B, G)~~
- e) Provide appropriate equipment for the preparation and serving of meals, for the refrigeration of perishable foods, and for washing and sanitizing dishes and utensils. ~~(B, G)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3130 (continued)

- f) The kitchen shall be provided with at least one ~~(1)~~ handwashing facility separate from food preparation and pan-washing equipment and include hot and cold water, soap, and individual towels. ~~(C)~~
- g) Finish the walls and ceilings of all food handling rooms with washable, light colored surfaces. ~~(C)~~
- h) Effectively screen all openings to the outer air during insect season. Screen doors to the outside shall open outward and be equipped with self-closing devices or an approved alternate method. ~~(C)~~
- i) Provide an adequate supply of hot and cold running water under pressure to rooms in which food is prepared or dishes washed. ~~(C)~~
- k) Provide satisfactory facilities for washing and sanitizing dishes and cooking utensils. The kitchen shall be equipped with a three ~~(3)~~ compartment sink for washing pots and pans. One ~~(1)~~ compartment shall contain no less than ~~fourteen~~ ~~(14)~~ inches depth of water at 170 degrees Fahrenheit ~~water~~. In addition to the sink, a commercial type dishwasher is recommended. ~~(B, G)~~
- l) The kitchen shall be so located that it will not be used as a passageway by residents nor nonfood handling staff. ~~(C)~~
- m) The dishwashing area should be so located that soiled dishes will not pass through the food preparation area. Provide ventilation that will produce negative pressure. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3140 Laundry

Every building shall:

- a) Provide a laundry room with commercial type equipment designed to meet the needs of the facility unless a commercial laundry service is used. ~~(C)~~
- b) Provide satisfactory storage and separate counting rooms for soiled and clean linens. ~~(C)~~
- c) Have the laundry room, storage and counting rooms located in areas not used by residents nor for food storage, preparation or serving.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3140(c) (continued)

and so that soiled linens are not carried through a food handling area to reach them. ~~(C)~~

- d) Provide proper mechanical ventilation. ~~(C)~~
- e) If a washer and dryer are provided for personal use by residents, they shall be located in an area separate from the laundry. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3150 Housekeeping, Service, and Storage

Every building shall:

- a) On each floor, provide janitor closets with sink or floor receptor and space for cleaning supplies, linen closets, and general storerooms. ~~(C)~~
- b) Provide sufficient storage space for the personal possessions of residents, staff, and activity materials. ~~(C)~~
- c) Provide sufficient storage for bulk and refrigerated food. ~~(B, C)~~
- d) Provide sufficient storage for wheelchairs, walkers, and similar equipment temporarily not being used. ~~(C)~~
- e) Have a medicine storage cabinet or room conveniently located and capable of being locked. ~~(B, C)~~
- f) Have no storage space that constitutes a fire or accident hazard. ~~(A, B, C)~~
- g) Provide a total area of approximately ten ~~(40)~~ square feet per resident for the storage areas designated in this Section. This does not include closets or wardrobes in resident's rooms. About one-fourth ~~(44)~~ of the total area shall be for bulk and daily food storage located in a room convenient to the kitchen. ~~(C)~~
- h) Provide separate clean and soiled linen rooms. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3160 Plumbing

- a) Every building shall meet the following plumbing requirements:

- 1) Comply with the ~~latest revision of the~~ Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890). ~~(A, B, C)~~
- 2) All plumbing shall be of adequate size and so installed that fixtures receive water under good pressure and are satisfactorily drained. ~~(C)~~
- 3) All plumbing fixtures having connections to the building water supply shall be connected or equipped so as to prevent any back flow of contaminated material to the water supply piping. ~~(A, B, C)~~
- 4) Individual sewer connections shall be such that backflow cannot occur from the building sewer to the fixture. ~~(A, B)~~
- 5) No physical connection shall be permitted between a safe and an unsafe water supply. ~~(A, B)~~
- b) The following standards shall be used as a guide to determine satisfactory compliance of individual fixtures:
 - 1) Lavatory faucets shall discharge at least one ~~(1)~~ inch above the top rim of the lavatory bowl. ~~(B, C)~~
 - 2) Bathtub, sink, laundry, and tub ~~etc.~~ faucets shall discharge at least two ~~(2)~~ inches above the top rim of the sink. ~~(B, C)~~
 - 3) Flush tank type toilets shall be equipped with approved antisiphon ballcocks, so installed that the effective air openings of the vacuum breaker is at least one ~~(1)~~ inch above the top of the overflow tube in the toilet flush tank. ~~(B, C)~~
 - 4) Flushometer type toilets shall be equipped with approved vacuum breakers, installed on the discharge side of the flush valve, and at least four ~~(4)~~ inches above the top of the toilet bowl. ~~(B, C)~~
 - 5) Dishwashing machines, laundry machines, urinals, and drinking fountains ~~etc.~~ shall be so installed as to provide backflow protection. ~~(B, C)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3160(a)(3) (continued)

- 6) All fixtures having, or capable of receiving, a hose shall have a vacuum breaker located at least six ~~(6)~~ inches above the highest head that normally may be placed on the unit. The height of the antisiphon unit should be sufficient to prevent any pressure on the unit, other than atmospheric pressure, when the control valve is closed. (B, ~~C~~)
 - 7) Potable water shall be protected from cross connections to sewage piping systems, boilers, and other sources of contaminated water. (B, ~~C~~)
 - 8) Hot water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. (B, ~~C~~)
 - 9) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B, ~~C~~)
 - 10) Each hot water system serving resident areas shall include at least one of the following equipment requirements to insure that the water temperature does not exceed 110 degrees Fahrenheit:
 - A) A thermostatically controlled mixing valve, or ~~shall be provided on each hot water system serving resident areas to insure that the water temperature does not exceed 110 degrees F.~~
 - B) An aquastat which limits the water temperature in the water heater to a maximum temperature of 110 degrees Fahrenheit and a solenoid operated shut off valve activated by a sensing element in the water line which shuts off the water and activates an alarm at the nurses station when the water temperature exceeds 110 degrees Fahrenheit. (A, B, ~~C~~)
- (Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3170 Heating

Every building shall meet the following heating requirements:

- a) Be equipped with a central heating plant, or equivalent system, approved by the Department. ~~(C)~~
- b) The heating system must be capable of maintaining a temperature of 80

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3170(b) (continued)

degrees Fahrenheit throughout the residents' section of the building during weather conditions when the temperature falls to 20 degrees Fahrenheit. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3180 Electrical

- a) All electric wiring and equipment shall comply with the latest revisions of the National Electric Code. (A, B, ~~C~~)
 - b) Each facility shall provide ~~provide~~ sufficient and satisfactory artificial lighting and power to meet all the requirements and demands of the building. ~~(C)~~
 - c) Emergency Electrical Service
 - 1) An emergency electrical service, which may be battery operated if effective for four ~~(4)~~ or more hours, shall provide service as follows: (B, ~~C~~)
 - A) Illumination for means of egress.
 - B) Illumination of exit signs and exit directional signs.
 - C) Fire alarm system.
 - D) Telephone service.
 - 2) The emergency electrical service ~~above~~ shall be in accordance with the National Fire Protection Association Codes.
- (Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

Section 330.3320 Applicability of These Standards

- a) This Subpart N applies ~~these standards shall apply~~ to all new construction. This includes all new buildings; and all additions, and alterations to existing buildings. Building codes cited under Section 330.3040 apply.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3320 (continued)

- b) Institutional occupancy (a), Health Care Facilities, of the Life Safety Code shall apply throughout unless specifically stated otherwise. (A, B, ~~6~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3330 Fire Protection

- a) In addition to this Subpart N ~~these standards~~, the provisions of ~~the latest revision of~~ Fire Prevention and Safety (41 Ill. Adm. Code 100), Office of the State Fire Marshal, shall apply. (A, B, ~~6~~)
- b) Upon request by the Department, the Division of Fire Prevention of the Office of the State Fire Marshal shall make inspection for fire safety and compliance with these standards. It shall call to the attention of the Department ~~of Public Health~~ any violations of these standards which pertain to fire protection. The Division of Fire Prevention shall be privileged to make as many subsequent visits as deemed necessary for assurance of compliance.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3340 Fire Department Service and Water Supply

All buildings shall meet the following requirements:

- a) Be located not more than three ~~(3)~~ miles from a satisfactory fire station operated by a paid or volunteer organized fire department. A greater distance may be allowed if the building is protected by an approved automatic sprinkler system with flow alarm. (B, ~~6~~)
- b) Be served by a water supply that will supply a sufficient volume of water to fight a fire, and, if involved, the Division of Fire Prevention of the Office of the State Fire Marshal, and satisfactory and accessible for fire department use. (B, ~~6~~)
- c) Have at least one fire hydrant, located within ~~three hundred~~ ~~(300)~~ feet of every point on the perimeter of the building and satisfactory for use by the equipment of the fire department serving the building, or an acceptable equivalent. Additional hydrants may be required if needed to properly protect the residents from fire

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3340(c) (continued)

hazards. Evaluation of the above shall involve consideration of deliverable satisfactory water pressure. (B, ~~6~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3350 General Building Requirements ~~Building General~~

- a) Facilities of only one ~~(1)~~ story in height shall be constructed of fire resistive construction, protected noncombustible construction, protected ordinary construction, protected wood frame construction, heavy timber construction, or unprotected noncombustible construction. All facilities except those of fire resistive construction or protected noncombustible construction shall be equipped throughout with an automatic extinguishing system. (A, B, ~~6~~)
- b) Facilities of more than one ~~(1)~~ story in height shall be constructed of fire resistive construction, except facilities of not more than three ~~(3)~~ stories in height may be constructed of protected noncombustible construction if equipped throughout with an automatic extinguishing system. (A, B, ~~6~~)
- c) A story is that portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.
- d) A basement is any story or floor level below the main or street floor. Where, due to grade differences, there are two levels each qualifying as a street floor, a basement is any floor level below the lower of the two street floors. Basements shall not be counted in determining the height of a building in stories.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3360 Exit Facilities and Subdivision of Floor Areas

Every building shall meet the following requirements:

- a) An exit shall be a way of departure from the interior of the building to the open air outside at the ground level. It may comprise vertical and horizontal means of travel such as doorways, corridors,

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3360(a) (continued)

passageways, stairways, and ramps, including all elements necessary for emergency escape from the building. An exit begins at any doorway or other point of access to an exit from which residents may proceed to the exterior of the building with reasonable safety.

- b) At least two ~~(2)~~ exits, remote from each other, shall be provided for each floor or fire section of the building used by residents. At least one ~~(1)~~ of the exits from each floor or fire section shall be an exit door, stairway, or smokeproof tower. (A, B, ~~C~~)
- c) All other exits shall be either of the above type or a horizontal or ramp type. (B, ~~C~~)
- d) Travel distance

- 1) ~~(a)~~ Travel distance between any room door intended as exit access and an exit shall not exceed ~~one hundred~~ ~~(100)~~ feet. ~~(1)~~
- 2) ~~(b)~~ Travel distance between any point in a room and an exit shall not exceed ~~one hundred fifty~~ ~~(150)~~ feet. ~~(1)~~
- 3) ~~(c)~~ Travel distance between any point in an institutional sleeping room or suite and an exit access door of that room or suite shall not exceed ~~fifty~~ ~~(50)~~ feet.
- 4) Minimum travel ~~travel~~ distances specified in subsections ~~(d)(1)~~ and ~~(d)(2)~~ of this Section ~~(a)~~ ~~or (b)~~ may be increased by ~~fifty~~ ~~(50)~~ feet in buildings completely equipped with automatic fire extinguishing systems. (A, B, ~~C~~)
- e) Exits shall be arranged so there are no pockets or dead-ends exceeding ~~thirty~~ ~~(30)~~ feet. (A, B, ~~C~~)
- f) All main exits shall lead directly to the outside. Any corridor or passageway a part of the exit route shall be enclosed as required for stairways. (A, B, ~~C~~)
- g) Decorative materials applied to walls or ceilings in means of egress and any room shall have a flame spread rating not to exceed ~~twenty-five~~ ~~(25)~~ except in individual rooms of not over four ~~(4)~~ persons in capacity which may have a rating of not more than ~~seventy-five~~ ~~(75)~~. (A, B, ~~C~~)
- h) Decorative materials applied to wall or ceiling surfaces of corridors

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3360(h) (continued)

more than ~~forty-eight~~ ~~(48)~~ inches above the floor shall not ignite nor flame when inserted for five ~~(5)~~ minutes in a furnace heated to 1200 degrees Fahrenheit. (A, B, ~~C~~)

- i) Floor coverings shall have a smoke developed rating not to exceed 450 as an average of the flaming and nonflaming values as determined by the test procedures outlined in Appendix II NBS Technical Notes 708. (A, B, ~~C~~)
 - j) Each floor shall be divided into at least two ~~(2)~~ fire sections by a one ~~(1)~~ hour fire rated smokestop partition, located to provide ample space on each side for the total number of residents on the floor. Additional partitions may be necessary for the safety of the residents. (A, B, ~~C~~)
 - k) Openings in smokestop partition shall be protected by a pair of approved doors with a fire resistive rating of at least three-fourths ~~(3/4)~~ of an hour, shall be self-closing, and shall be closed at all times unless they have magnetic hold devices connected to the fire detection or sprinkler system. The doors shall swing in a direction opposite from the other and shall be three ~~(3)~~ feet eight ~~(8)~~ inches in clear width. (A, B, ~~C~~)
 - l) Corridor length between smokestop partitions, horizontal exits, or from either to the end of the corridor on any institutional sleeping floor shall not exceed ~~one hundred fifty~~ ~~(150)~~ feet. (A, B, ~~C~~)
 - m) Corridor partition walls shall be continuous from the floor slab to the underside of the floor or roof slab above, through any concealed spaces such as those above the suspended ceilings and through interstitial structural and mechanical spaces. (A, B, ~~C~~)
- (Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3370 Stairways, Vertical Openings, and Doorways

Every building shall meet the following requirements:

- a) Stairways shall be enclosed and all openings to them shall be equipped with self-closing doors having a minimum of three ~~(3)~~ feet, eight ~~(8)~~ inches in clear width. Each door shall swing in the direction of exit travel and be equipped with a view panel of clear wired glass, and shall be incapable of being locked from the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3370(a) (continued)

inside of the stairwell. (A, B, ~~C~~)

- b) All vertical openings or shafts (elevators, dumbwaiters, laundry chutes, and stairways ~~etc.~~) shall be enclosed with material having not less than a two ~~(2)~~ hour fire resistive rating. All doors opening into such vertical openings shall be noncombustible with at least a one and one-half ~~(1 1/2)~~ hour "B" labeled door. (A, B, ~~C~~)
- c) Vertical openings and shafts shall be located in rooms of not less than one ~~(1)~~ hour fire resistive construction. The doors shall be three-fourths ~~(3/4)~~ hour rated solid core wood doors or an equivalent. (A, B, ~~C~~)
- d) All required exit doors shall swing outward, be equipped with panic hardware, and be free of any obstruction, chain, locking or holding device. Each exit door and each door in an exit passageway shall be at least three ~~(3)~~ feet, eight ~~(8)~~ inches in clear width. If the doors have no latching mechanism, panic hardware may not be required. (A, B, ~~C~~)
- e) Any hazardous area shall be enclosed with construction having at least a one ~~(1)~~ hour fire resistance rating or be provided with automatic fire protection. If the hazard is severe it shall have both. Doors shall be kept closed when not in use. (A, B, ~~C~~)
- f) Any door that is part of a fire wall separating sections of a building, or two abutting buildings, shall be appropriate for the fire resistance rating of the separation. (A, B, ~~C~~)
- g) Doors to residents' rooms shall be of solid core wood construction of at least one and three-fourths ~~(1 3/4)~~ inches thickness or equivalent, and shall be at least three ~~(3)~~ feet wide and swing into the room. (A, B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3380 Corridors

Every building shall meet the following requirements:

- a) All corridors required for exit access shall have a minimum unobstructed width of six ~~(6)~~ feet. They shall be equipped on both sides with sturdy handrails, one and one-half ~~(1 1/2)~~ inches clear

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3380(a) (continued)

of the wall. (A, B, ~~C~~)

- b) Exit corridors shall be one ~~(1)~~ hour fire resistance rated construction. (A, B, ~~C~~)
- c) All wood doors shall be one and three-fourths ~~(1 3/4)~~ inch wood, solid core or equivalent. Glass lights shall be wire glass, limited to ~~seven hundred and twenty (720)~~ square inches in size. Louvers in doors shall not be permitted. (A, B, ~~C~~)
- d) Fixed wired glass vision panels may be placed in corridor walls, provided they do not exceed 1,296 square inches in size having a maximum dimension of four ~~(4)~~ feet, six ~~(6)~~ inches and are installed in approved steel frames. Fixed wired glass vision panels may be installed in wood doors, provided they do not exceed ~~seven hundred and twenty (720)~~ square inches in size and are installed in approved steel frames. (A, B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3390 Exit Lights and Directional Signs

Every building shall meet the following requirements:

- a) Exit and directional signs shall comply ~~be in accordance with the latest revisions of 4-111-Adm. Code 100.150~~ rules for Fire Prevention and Safety ~~of the Office of the State Fire Marshal (41 Ill. Adm. Code 100).~~ (B, ~~C~~)
- b) Every required exit shall have an exit sign readily visible, and additional directional signs shall be located as required to clearly identify the direction of travel to reach the nearest exit. (B, ~~C~~)
- c) All signs shall be properly illuminated at all times. (B, ~~C~~)
- d) All signs shall be on an emergency electrical system. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3400 Hazardous Areas and Combustible Storage

Every building shall meet the following requirements:

- a) All installations of fuel oil, gas, or liquefied petroleum gas

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3400(a) (continued)

heating equipment or appliances shall conform with the latest revision of the American Gas Association Standards and the National Fire Protection Association pamphlets. (A, B, ~~C~~)

- b) The room in which the heating equipment is located shall be adequately vented to the outside atmosphere to properly support combustion. Doors shall swing into the room. (A, B, ~~C~~)
- c) All exposed heating ducts in the basement and the smoke pipe or breeching shall be located a safe distance from all combustible material. If they are not a safe distance, the combustible material must be covered properly with a satisfactory fire resistive material. (A, B, ~~C~~)
- d) All paints, oils, and flammable materials shall be stored in a fire resistive room in approved metal containers or cabinets or outside the building. (A, B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3410 Fire Alarm and Detection System

- a) There shall be an approved fire detection and alarm system throughout the facility. (A, B, ~~C~~)
- b) The fire alarm system shall be manually and automatically operated, electrically supervised, and be equipped with automatic detectors. Pre-signal systems are not permitted. (A, B, ~~C~~)
- c) The system shall automatically transmit the alarm to any available municipal fire department by direct private lines or through an approved central station. (A, B, ~~C~~)
- d) The fire alarm system shall be tested at least weekly. (A, B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous

- a) There shall be at least one ~~extinguisher~~ approved fire extinguisher in all basements, furnace rooms, and kitchens. In addition, there shall be on each floor of the building, extinguishers located so a person will not have to travel more than ~~fifty~~ 50 feet from any point to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3420(a) (continued)

- reach one. They shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher. (A, B, ~~C~~)
- b) No fuse or circuit breaker shall be used which would permit a circuit to be overloaded. (A, B, ~~C~~)
- c) Drop or extension cords shall not be hung or otherwise supported by a metal support. (A, B, ~~C~~)
- d) The building shall be in good condition and repair, especially the roof, chimney, and foundation, so that adequate protection is provided against fire hazards. (A, B, ~~C~~)
- e) Approved metal containers with proper covers shall be provided for daily storage of rubbish. (A, B, ~~C~~)
- f) Housekeeping throughout the building, including basements, attics, and unoccupied rooms shall be adequately performed to minimize all fire hazards. (A, B, ~~C~~)
- g) Comply with any reasonable additional fire protection measures recommended by the Department over and above the requirements in this Subpart, if conditions in and around the building, including its location, indicate that such additional protection is needed. (A, B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

- a) All personnel employed on the premises shall be properly instructed in the use of fire extinguishers. (B, ~~C~~)
- b) A written plan of evacuation shall be prepared, posted, and made familiar to all personnel employed on the premises. (B, ~~C~~)
- c) There shall be a minimum of six ~~extinguishers~~ fire drills conducted annually (~~two~~ two on each shift) at irregular intervals. The local fire authorities should be requested to assist periodically in these drills. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR
EXISTING SHELTERED CARE FACILITIES

Section 330.3610 Site

Every existing facility shall comply with any applicable local zoning ordinance. (A, B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3620 General Building Requirements ~~Building General~~

Every existing facility shall:

- a) Be structurally sound, in good repair, and attractive inside and out. (B, ~~C~~)
- b) Have stairs, whether inside or outside of the building, provided with sturdy handrails. Stairways over three ~~(3)~~ feet wide shall have handrails on each side. (B, ~~C~~)
- c) Be served by reliable telephone service.
- d) Be served by reliable electrical service. The Department may require a standby electric generator on the premises to provide an emergency supply of electricity to maintain essential services when it has evidence that there has been frequent and prolonged interruptions of service that has resulted in a threat to the residents' health and welfare. (B, ~~C~~)
- e) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other insects. ~~(C)~~
- f) Have all outside doors, other than required exits, and nonstationary windows equipped with tight-fitting, full-length 16-mesh screens. Screen doors shall be equipped with self-closing devices. ~~(C)~~
- g) Have each exterior door equipped with a signal that will alert personnel in the area if a resident leaves the building. Any exterior door that is supervised during certain periods during the day or night may have a disconnect device for part-time use. If there is constant ~~twenty-four (24)~~ hour a day supervision of the door, a signal is not required. (B, ~~C~~)
- h) Be provided with sufficient and satisfactory artificial lighting wherever required throughout the building and grounds. ~~(C)~~

Section 330.3620 (continued)

- i) Have smooth floors which are free from cracks and finished so that they can be easily and properly cleaned. Floors in bathrooms, kitchens, and utility rooms shall be covered wall to wall with terrazzo, inlaid linoleum, tile or approved equivalent. (B, ~~C~~)
- j) Have all walls and ceilings of sound construction, covered with plaster or approved equivalent, in good repair, and free from cracks or holes for easy and proper cleaning. ~~(C)~~
- k) Have all windows in good repair so that they fit snugly, yet will open and close easily. ~~(C)~~
- l) Have safety devices provided across low windows, on open porches, at changes in floor level, and at other danger areas inside or outside the building, when there is a danger present to residents. (B, ~~C~~)
- m) Have no other business unrelated to health care conducted in the building that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building. ~~(C)~~
- n) Have any thresholds for doorways used by residents flush with the floor. ~~(C)~~
- o) Have a ceiling height of eight ~~(8)~~ feet or more throughout all rooms occupied or used by residents. ~~(C)~~
- p) Provide a medicine cabinet. ~~(C)~~ (See Section 330.1520.)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3630 Administration

Every existing facility shall provide sufficient administrative office space for clerical, financial, and managerial functions. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3640 Corridors

Every existing facility shall have:

- a) All corridors and passages used by residents at least three ~~(3)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3640(a) (continued)

feet wide and properly lighted at night and at other times when necessary. If handrails project more than three and one-half ~~(3-1/2)~~ inches, the width shall be measured between the handrails. (B-~~G~~)

- b) No nonambulatory residents in a bedroom unless it can be reached by passing through a passage or corridor which is at least four ~~(4)~~ feet wide and is properly lighted at night and at other times when necessary. (B-~~G~~)
- c) All corridors and passages used by residents provided with sturdy handrails on each side. (B-~~G~~)
- d) All corridors enclosed from weather and properly heated. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3650 Bath and Toilet Rooms

- a) Every existing facility shall be provided with a minimum of one ~~(1)~~ water closet, one ~~(1)~~ lavatory, and one ~~(1)~~ bathtub or shower on each floor occupied by residents. ~~(G)~~
- b) Every existing facility shall have ~~Have~~ bathroom fixtures provided in the following minimum numbers:

- 1) One ~~(1)~~ lavatory and one ~~(1)~~ water closet for each ten ~~(10)~~ resident beds on each floor. ~~(G)~~
- 2) One ~~(1)~~ bathtub or shower for each ~~fifteen~~ ~~(15)~~ resident beds on each floor. The number of resident beds shall be used in determining the number of bathroom fixtures required, irrespective of the fact that some of the beds may not be occupied, or may be occupied by bedfast residents. ~~(G)~~
- c) Every existing facility shall have ~~Have~~ no toilet room, other than for employees, open directly into a kitchen, pantry, food preparation or food storage room. ~~(G)~~
- d) Every existing facility shall have ~~Have~~ bathroom fixtures of substantial construction, in good repair and design, so that they may be satisfactorily cleaned. All toilets, showers, and bathtubs shall be provided with satisfactory handgrips to assist residents in using them. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3650 (continued)

- e) Every existing facility shall have ~~Have~~ each toilet and bathroom adequately lighted, have a light switch just inside or outside the door, and be provided with a well-lighted mirror for each lavatory. ~~(G)~~
- f) Every existing facility shall have ~~Have~~ all bath and toilet rooms conveniently located and ventilated to the outside atmosphere either by a window or an exhaust fan. No such room shall open directly into a kitchen, dining room, pantry, food preparation or food storage room. Neither shall it be so located that a resident must pass through any such area to reach it. ~~(G)~~
- g) Every existing facility shall have ~~Have~~ all toilet and bathrooms with no hardware that will allow a resident to lock himself in the room. (B-~~G~~)
- h) Every existing facility shall have ~~Have~~ partial partitions or cubical curtains to afford privacy for each toilet and bath fixture when there are more than one ~~(1)~~ of each type fixture in a room. ~~(G)~~
- i) Every existing facility shall have ~~Have~~ toilet enclosures.
- j) Any shower stalls shall be a minimum of three ~~(3)~~ feet wide by three ~~(3)~~ feet deep ~~and have a low or no curb at the entrance opening~~. Satisfactory and properly placed handgrips shall be provided in the shower stall. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3660 Living, Dining, and Activity Rooms ~~(G)~~

- a) Every existing facility shall:

- 1) Provide accessible and satisfactory areas for living, dining, and activities to meet the needs of the residents. These rooms shall: ~~(G)~~
- 2) Be well lighted and ventilated, and easily accessible to all residents. ~~(G)~~
- 3) Be an outside room. Additional interior rooms may be used for television, crafts, or similar activities. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3660(a) (continued)

- 4) Provide adequate floor area to satisfactorily serve the residents in the facility. ~~(C)~~
- 5) Be so located that the room is not an entrance vestibule from the out-of-doors, nor an obstruction to traffic in and out of the facility. ~~(C)~~
- b) Every existing facility shall have ~~have~~ at least one ~~(1)~~ comfortably furnished living room on each floor. These living rooms shall, in multiple story buildings, be provided on each floor unless a variance to this requirement is approved in writing by the Department. Under no circumstances shall the living room be used as a bedroom. The minimum floor space for a living room shall be ~~(80)~~ ~~(80)~~ square feet. The dining room shall be sufficient in area to properly and comfortably seat the residents. The combined living room, dining room, and activity area shall be approximately ~~(15)~~ ~~(15)~~ square feet per resident bed. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3670 Bedrooms

- a) Every existing facility shall meet the following requirements for bedrooms:
 - 1) Each single bedroom for a resident shall have at least ~~(60)~~ ~~(60)~~ square feet of floor area not including any space taken up by closets. Facilities established after January 1, 1958, shall provide ~~(70)~~ ~~(70)~~ square feet for a single room. ~~(C)~~
 - 2) Each multiple bedroom used for residents shall have at least ~~(60)~~ ~~(60)~~ square feet of floor area, not including any space taken up by closets, for each resident's bed. There shall be a three ~~(3)~~ ~~(3)~~ foot minimum distance between beds. ~~(C)~~
- b) All bedrooms shall meet the following requirements:
 - 1) No more than four ~~(4)~~ ~~(4)~~ residents shall share a bedroom, regardless of its size. ~~(C)~~
 - 2) Each bedroom shall be provided with a door and have the furniture in the room so arranged, even if it reduces the bed capacity of the room, so that the bed, bedside stand, and chair

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3670(b)(2) (continued)

- for each resident will be reasonably well arranged. Beds shall not be located near radiators, registers, nor sources of drafts. ~~(C)~~
- 3) No room which opens into the kitchen shall be used as a resident bedroom. ~~(C)~~
- 4) No rooms shall be used as resident bedrooms which necessitate passing through a kitchen to reach any other part of the facility. ~~(C)~~
- 5) Occupancy of bedrooms shall be such that residents of one sex will not pass through a bedroom for the opposite sex to reach any part of the facility. ~~(C)~~
- 6) Each bedroom shall have adequate and satisfactory artificial light and be equipped with at least one ~~(1)~~ ~~(1)~~ duplex electric convenience outlet. Electric cords shall not be strung from a ceiling fixture. There shall be an electric switch near the door in each bedroom to control at least one ~~(1)~~ ~~(1)~~ light in the room. ~~(B-C)~~
- 7) Each bedroom shall be an outside room and have window glass area equal to at least ten percent ~~(10%)~~ ~~(10%)~~ of the usable floor area. This window area shall provide an amount of light equivalent to that provided by an unobstructed window. ~~(C)~~
- 8) Rooms with a floor more than three ~~(3)~~ ~~(3)~~ feet below the adjacent ground level shall not be used for resident bedrooms. ~~(C)~~
- 9) Bedroom doors shall have no hardware that will allow the resident to lock himself in the room. The door may be keyed on the corridor side to prevent others from entering the room. ~~(B-C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3680 Special Care Room

Every existing facility shall provide a vacant bedroom, or one that can be vacated, for use as a bedroom to temporarily isolate a resident who becomes ill. ~~(B-C)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3690 Kitchen

Every existing facility shall:

- a) Provide a kitchen properly located for efficient food service, and large enough to accommodate the equipment and personnel needed to prepare and properly serve the number of meals required, all in accordance with the ~~latest revised edition of the~~ Department's rules entitled "Food Service Sanitation" ~~rules~~ (77 Ill. Adm. Code 750). Adequacy of the kitchen facilities will be determined by the Department if it is sufficient to meet the needs of the residents based on professional evaluation. (B-~~G~~)
- b) Provide a subkitchen with satisfactory facilities for serving meals properly from thermo containers; for storing staple foods and nutrients; and for properly washing and sanitizing dishes if the prepared meals are transported to the facility from a central kitchen in another building. ~~(G)~~
- c) Have the walls and ceilings of all food handling rooms finished with smooth, washable, light colored surfaces. ~~(G)~~
- d) Have all openings to the outer air effectively screened during fly season, and have screen doors either open outward, equipped with self-closing devices, or a satisfactory alternate method. ~~(G)~~
- e) Have adequate artificial light provided on all work surfaces in rooms in which food is prepared and dishes are washed. Artificial light shall be used except when equivalent natural light is present. ~~(G)~~
- f) Have food servicing rooms adequately ventilated so as to be reasonably free from disagreeable odors and moisture. ~~(G)~~
- g) Have an adequate supply of hot and cold running water under pressure, easily available to rooms in which food is prepared and dishes are washed. ~~(G)~~
- h) Have a two ~~(2)~~ compartment sink or its equivalent; one ~~(1)~~ compartment for washing dishes and the other for rinsing and disinfecting them. The compartment for disinfection shall be sufficiently deep to allow complete submersion of all items washed. (B-~~G~~)
- i) Have future installations of equipment of an institutional type in compliance with the adopted standards of the National Sanitation Foundation Testing Laboratory (including basic or special criteria), or equivalent. (B-~~G~~)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3690 (continued)

- j) Have the kitchen so located that no resident must pass through it to reach the bathroom, his bedroom, the living room, or out-of-doors. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3700 Laundry Room

Every existing facility shall:

- a) Provide a laundry room equipped with adequate facilities for satisfactorily doing all laundering, unless a commercial laundry service is used. ~~(G)~~
- b) Provide satisfactory storage and counting areas for soiled and clean linens. These may be in the same room if well defined and adequate separation can be provided. Mechanical ventilation shall provide sufficient air flowing from the clean area to the soiled, with proper exhaust. ~~(G)~~
- c) Not be located in a room used by residents, or for food storage, preparation or serving. It shall be so located that soiled linens are not carried through a food handling area to reach it. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3710 Housekeeping and Service Rooms and Storage Space

Every existing facility shall:

- a) Provide adequate storage space in the facility, out of the way of residents and staff, to store wheelchairs, walkers, and similar equipment temporarily not being used. ~~(G)~~
- b) Provide adequate storage space for excess personal possessions of residents and staff, linens, supplies, and other items. This storage shall be such that it does not constitute a fire or accident hazard and will not be in the way of residents or staff. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3720 Plumbing and Heating

- a) Every existing facility shall meet the following plumbing and heating requirements:

- 1) All plumbing shall comply with the ~~latest revision of the~~ Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 390) effective at the time of approval by the ~~this~~ Department of either the architectural plans or the building. (A, B, ~~C~~)
- 2) All plumbing within the building shall be of an adequate size and so installed that fixtures receive water under good pressure and are satisfactorily drained. (A, B, ~~C~~)
- 3) No physical connection shall be permitted between a safe and an unsafe water supply. (A, B, ~~C~~)
- b) All plumbing installations and fixtures on the premises shall be of such a type and design that danger of contaminated water entering the drinking water piping by backflow or backsiphonage is eliminated. The following standards shall be used as a guide to determine satisfactory compliance of individual fixtures: (A, B, ~~C~~)
 - 1) Lavatory faucets shall discharge at least one ~~(1)~~ inch above the top rim of the lavatory bowl. (B, ~~C~~)
 - 2) Faucets for bathtubs, sinks, and laundry tubs, ~~etc.~~, shall discharge at least two ~~(2)~~ inches above the top rim of the fixture. (B, ~~C~~)
 - 3) Flush tank type toilets shall be equipped with approved antisiphon ball cocks, so installed that the effective air opening of the vacuum breaker is at least one ~~(1)~~ inch above the top of the overflow tube in the toilet flush tank. (B, ~~C~~)
 - 4) Flushometer type toilets shall be equipped with approved vacuum breakers installed on the discharge side of the flush valve and at least four ~~(4)~~ inches above the top of the toilet bowl. (B, ~~C~~)
 - 5) Dishwashing machines, laundry machines, urinals, and drinking fountains, ~~etc.~~, shall be so installed as to provide backflow protection. (B, ~~C~~)
 - 6) Protection against other backflow possibilities may be required by the Department. (B, ~~C~~)

Section 330.3720(b) (continued)

- 7) All fixtures having, or capable of receiving, a hose shall have a vacuum breaker located at least six ~~(6)~~ inches above the highest head that normally may be placed on the unit. The height of the antisiphon unit should be sufficient to prevent any pressure on the unit, other than atmospheric pressure, when the control valve is closed. (B, ~~C~~)
 - 8) Hot water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. (B, ~~C~~)
 - 9) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B, ~~C~~)
 - 10) Protective measures such as but not limited to, installation of a mixing valve, limited access to controls, and checking water temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B, ~~C~~)
 - c) The facility shall be equipped with a central heating plant, and have a radiator, convector, or register in each room used by residents or staff. ~~(C)~~
 - d) The heating system shall be capable of maintaining a temperature of 80 degrees Fahrenheit throughout the residents' section of the building during weather conditions when the temperature falls to ~~twenty (-20)~~ degrees below zero ~~(0)~~ Fahrenheit. ~~(C)~~
 - e) Alternative modern types of heating systems may be accepted, if it is adequate to meet the needs of the residents as determined by professional standards.
- (Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)
- Section 330.3730 Electrical
- Every existing facility shall meet the following electrical requirements:
- a) All electrical wiring and equipment shall comply with the latest revisions of the "National Electric Code" effective at the time of approval by this Department of either the architectural plans or the building. (A, B, ~~C~~)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3730 (continued)

- b) All facilities shall provide sufficient and satisfactory artificial lighting and power to meet all the requirements and demands of the building. ~~(6)~~
- c) See Section 330.3960(a) for exit lights and Section 330.3990 (g), (h) and (i) for emergency lighting. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6562 effective April 17, 1989)

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

Section 330.3910 Fire Protection

- a) In addition to these standards, the provisions of ~~the latest revision of the rules for~~ Fire Prevention and Safety (41 Ill. Adm. Code 100) of the Office of the State Fire Marshal shall apply to all existing facilities. (A, B-~~6~~)
- b) Upon request by the Department, the Office of the State Fire Marshal shall make inspections for fire safety and compliance with these standards. It shall call to the attention of the Department any violations of these standards which pertain to fire protection. The Office of the State Fire Marshal shall be privileged to make as many subsequent visits as deemed necessary for assurance of compliance.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3920 Fire Department Service and Water Supply

Every existing facility shall:

- a) Be served by a paid or voluntary organized fire department. (A, B-~~6~~)
- b) Have an adequate water supply that is satisfactory and accessible for fire department use. Facilities not served by a satisfactory supply must provide such supply. (B-~~6~~)
- c) Have at least one ~~(1)~~ municipal or private fire hydrant, located within ~~three hundred~~ ~~(300)~~ feet of the building and satisfactory for use by the equipment of the fire department serving the building, or an acceptable equivalent. Additional hydrants may be required if needed to properly protect the residents from fire

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3920(c) (continued)

hazards. (B-~~6~~)

- d) Be located within two ~~(2)~~ miles of, and served by, a satisfactory fire department. (B-~~6~~)
- e) Not increase bed capacity if located more than two ~~(2)~~ miles from a satisfactory fire department unless a satisfactory sprinkler system is installed. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3930 Occupancy and Fire Areas

Every existing facility shall meet the following requirements:

- a) Buildings with "nonfire resistive" type construction shall not house any residents above the second floor. The third and fourth floors of facilities, including Residential Care (Half-Way) Homes that were in operation in the City of Chicago and subject to the local licensing ordinance for such homes in December ~~1968~~ may be approved for alert ambulatory residents if the facility is protected by an approved automatic sprinkler system ~~and/or~~ or approved automatic fire detection and alarm system directly connected to the nearest available fire department in addition to the other usual fire protection measures. (A, B-~~6~~)
- b) A basement shall not be counted as a floor unless the floor above is more than eight ~~(8)~~ feet, six ~~(6)~~ inches above the ground level at any adjacent point of the building. Service and entrance area ways encompassing not more than ~~twenty-five~~ ~~25~~ percent ~~(25%)~~ of the perimeter of the building may be disregarded.
- c) Attic and roof spaces, when designed for occupancy or used for storage, shall be considered as an additional story in a building.
- d) Any facility which is especially susceptible to rapid spread of fire by reason of combustible construction, unenclosed vertical openings, or other inflammable conditions, shall be protected by an approved automatic fire detection and alarm system with direct connection to the fire department or an approved automatic sprinkler system with a flow alarm. (A)
- e) All sheltered care facilities that are not of fire resistive or protected noncombustible type construction, shall be protected by an

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3930(e) (continued)

approved automatic sprinkler system with flow alarm. (A)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3940 Exit Facilities and Subdivision of Floor Areas

Every existing facility shall meet the following requirements:

- a) Each floor used for the housing of residents shall have at least two ~~(2)~~ approved exits which are well separated and provided in the most accessible locations. (A, B ~~(C)~~)
- b) All future fire escapes shall be of fire resistive construction. (B)
- c) All corridors and passageways to be used as a means of horizontal exit shall be at least three ~~(3)~~ feet wide. (B ~~(C)~~)
- d) Wherever an existing or future stairway, balcony landing, platform, slide escape, or runway of a fire escape stairway is located ten ~~(10)~~ feet or less from a window or doorway, such window or door shall be provided with wired glass. (B ~~(C)~~)
- e) All exits, passageways, and exits through rooms shall be kept free of any item that would obstruct the exit route. (B ~~(C)~~)
- f) All corridors and passages to be used as a means of horizontal exit, or part of a means of exit, shall not lead through any room or space used for a purpose that may obstruct free passage. (B ~~(C)~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3950 Stairways, Vertical Openings, and Doorways

Every existing facility shall meet the following requirements:

- a) All stairways shall be enclosed and protected with smokestop partitions and doors at each floor level. All doors that are a part of this protection shall swing in the direction of the exit from the building, be provided with view panels of clear wired glass, and have door closers. These doors shall be closed at all times when not in use. (A, B ~~(C)~~)
- b) All vertical openings or shafts (including elevators, dumbwaiters,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3950(b) (continued)

laundry chutes, and stairways ~~(etc.)~~ shall be completely lined with metal or equivalent fire resistive material. Openings into shafts shall be protected with self-closing fire resistive doors. A sprinkler head or detection device is recommended in each shaft. (A, B ~~(C)~~)

c) All required exterior exit doors shall swing outward, be equipped with panic hardware, and be free of any obstruction. No chain locking, or holding device shall be permitted on any door equipped with panic hardware other than the latching mechanism of the panic hardware itself. If the doors have no latching mechanism, panic hardware may not be required. (A, B ~~(C)~~)

d) Interior kitchen doors shall be covered with fire resistive material on the kitchen side with a view panel of clear, wired glass. All such doors shall swing into the kitchen and shall be kept closed at all times when not in use unless otherwise approved by the Department. Such approval will be granted only when such variance will not create a hazard to the health, welfare, or safety of residents. (B ~~(C)~~)

e) All doors from the basement which lead into the interior of the building shall be self-closing, be covered with fire resistive material on the basement side, and have a view panel of clear wired glass. These doors shall be closed at all times when not in use. (B ~~(C)~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3960 Exit and Fire Escape Lights and Directional Signs

Every existing facility shall meet the following requirements:

- a) Standard illuminated exit lights on a separate electric circuit shall be provided at all exits on each floor. The signs shall bear the word "EXIT" in conspicuous lettering on a contrasting background to comply with local ordinances or practice. These lights shall be kept lighted at all times. (A, B ~~(C)~~)
- b) A fire escape sign shall be placed over the inside of each door to the fire escape. The sign shall bear the words "FIRE ESCAPE" in conspicuous lettering on a contrasting background to comply with local ordinances or practice. These lights should be lighted at all times. (A, B ~~(C)~~)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3960 (continued)

- c) White lights shall be provided on the outside of the building over each door to the fire escape. These lights shall be kept on a separate circuit and shall be kept lighted at all times unless they are on a timer or solar device. (A, B-~~6~~-)
- d) Directional signs of similar construction as above shall be provided throughout the building and its corridors as needed or required to show the direction to exits.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3970 Hazardous Areas and Combustible Storage

Every existing facility shall meet the following requirements:

- a) A central heating plant (including any coal storage) shall be located in a separate room. The room, including the ceiling and any doors, shall be constructed of, or satisfactorily protected by, approved fire resistive material providing a fire resistance rating of at least one ~~4~~ hour. All doors to the room must be protected with asbestos and metal on the furnace room side (or equivalent protection), swing into the room, and be self-closing. The rooms shall be adequately vented to the outside atmosphere to properly support combustion in the furnace. (Alternate modern types of heating systems may be approved by the Department.) (A, B-~~6~~-)
- b) The entire basement ceiling in nonfire resistive buildings shall be protected with one ~~4~~ hour rated materials if it is not practical to provide a separate room for the heating plant. (A, B-~~6~~-)
- c) All exposed heating ducts in the basement and the smoke pipe or breeching shall be located a safe distance from all combustible material. If they are not a safe distance, the combustible material must be properly covered with a satisfactory resistive material. (A, B-~~6~~-)
- d) All installations of fuel oil, gas, or liquified petroleum gas heating equipment and appliances shall conform to the American Gas Association Standards and the following National Fire Protection Association pamphlets: (A, B-~~6~~-)
 - 1) Fuel Oil, NFPA--31.
 - 2) Gas, NFPA--54.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.3970(d) (continued)

- 3) Liquified Petroleum, NFPA--58.
- e) Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system. Heaters in corridors must be ceiling hung or wall recessed units. (B-~~6~~-)
- f) Floor type heaters or furnaces are not permitted. (B-~~6~~-)
- g) All paints, oils, and flammable materials shall be stored in a fire resistive room in approved metal containers and metal cabinets, or stored outside the building. (A, B-~~6~~-)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3980 Fire Alarm and Detection System

Existing facility shall meet the following requirements:

- a) An approved standard fire detection and alarm system shall be provided. The ~~provisions of 41 Ill. Adm. Code 100.190 of the latest revision of~~ rules for Fire Prevention and Safety of the Office of the State Fire Marshal (41 Ill. Adm. Code 100), effective at the time of construction ~~and/or~~ or acceptance of the building by this Department, shall apply in determining satisfactory compliance with this item. (A, B-~~6~~-)
- b) The fire alarm system shall be manually and automatically operated and equipped with detectors. (A, B-~~6~~-)
- c) Every facility shall have hazardous areas and rooms protected by an approved automatic detector system. (A, B-~~6~~-)
- d) The system shall automatically transmit the alarm to any available municipal fire department by direct private line or through an approved central station. (A, B-~~6~~-)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous

Every existing facility shall meet the following requirements:

- a) There shall be at least one ~~4~~ approved fire extinguisher in all

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3990(a) (continued)

basements, furnace rooms, and kitchens. In addition, there shall be on each floor of the building, extinguishers located so a person will not have to travel more than ~~fifty~~ 50 feet from any point to reach one. They shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher. (A, B, ~~C~~)

- b) All electrical wiring and equipment shall comply with the latest revisions of the National Electric Code effective at the time of construction ~~and/or~~ or acceptance of the building by this Department. (A, B, ~~C~~)
- c) No fuse or circuit breaker shall be used which would permit a circuit to be overloaded. (A, B, ~~C~~)
- d) Drop or extension cords shall not be hung or otherwise supported by a metal support. (A, B, ~~C~~)
- e) The building shall be in good condition and repair, especially the roof, chimney, and foundation, so that adequate protection is provided against fire hazards. (A, B, ~~C~~)
- f) All wood partitions located in the basement shall be protected with fire resistive material. (A, B, ~~C~~)
- g) Emergency sources of lighting shall be provided for use in case of electrical power failure.
- h) Acceptable methods of providing emergency lighting are:
 - 1) Emergency generator.
 - 2) Two ~~two~~ service lines, each from a separate substation.
 - 3) Wet cell batteries in series.
 - 4) Self-charging, wall-mounted light units.
- i) Kerosene, gasoline, alcohol, or carbide lamps shall not be permitted on the premises. (A, B)
- j) Approved metal containers with covers shall be provided for daily storage of ashes ~~and~~ and rubbish ~~etc.~~. (A, B, ~~C~~)
- k) Housekeeping throughout the building, including basements, attics,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.3990(k) (continued)

and unoccupied rooms, shall be adequately performed to minimize all fire hazards. (A, B, ~~C~~)

- 1) The Department reserves the right to require any reasonable additional fire protection measures deemed necessary for the safety of the residents. Additional fire protection measures shall include, but are not limited to the institution of a fire watch installation of a sprinkler system ~~and/or~~ and installation of smoke detectors.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

- a) All personnel employed on the premises shall be properly instructed in the use of fire extinguishers. (B, ~~C~~)
- b) A written plan of evacuation shall be prepared, posted, and made familiar to all personnel employed on the premises. (B, ~~C~~)
- c) Fire drills, involving all shifts, shall be conducted at sufficient intervals so that personnel on each shift participate in such a drill at least every six ~~66~~ months. The local fire authorities should be requested to assist periodically in these drills. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART Q: RESIDENT'S RIGHTS

Section 330.4210 General

- a) NO RESIDENT SHALL BE DEPRIVED OF ANY RIGHTS, BENEFITS, OR PRIVILEGES GUARANTEED BY LAW BASED ON THEIR STATUS AS A RESIDENT OF A FACILITY. (A, B, ~~C~~) (Section 2-101 of the Act)
- b) A RESIDENT SHALL BE PERMITTED TO RETAIN AND USE OR WEAR HIS PERSONAL PROPERTY IN HIS IMMEDIATE LIVING QUARTERS, UNLESS DEEMED MEDICALLY INAPPROPRIATE BY A PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD. ~~C~~ (Section 2-103 of the Act)
- c) IF CLOTHING IS PROVIDED TO THE RESIDENT BY THE FACILITY IT SHALL BE OF A PROPER FIT. ~~C~~ (Section 2-103 of the Act)
- d) THE FACILITY SHALL PROVIDE ADEQUATE AND CONVENIENT STORAGE SPACE FOR

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.4210(d) (continued)

THE PERSONAL PROPERTY OF THE RESIDENT. ~~(G)~~ (Section 2-103 of the Act)

e) THE FACILITY SHALL PROVIDE A MEANS OF SAFEGUARDING SMALL ITEMS OF VALUE FOR ITS RESIDENTS IN THEIR ROOMS OR IN ANY OTHER PART OF THE FACILITY SO LONG AS THE RESIDENTS HAVE DAILY ACCESS TO SUCH VALUABLES. ~~(G)~~ (Section 2-103 of the Act)

f) THE FACILITY SHALL DEVELOP PROCEDURES FOR INVESTIGATION COMPLAINTS CONCERNING THEFT OF RESIDENT'S PROPERTY AND SHALL PROMPTLY INVESTIGATE ALL SUCH COMPLAINTS. ~~(G)~~ (Section 2-103 of the Act)

g) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT MARRIED RESIDENTS RESIDING IN THE SAME FACILITY BE ALLOWED TO RESIDE IN THE SAME ROOM WITHIN THE FACILITY UNLESS THERE IS NO ROOM AVAILABLE IN THE FACILITY OR IT IS DEEMED MEDICALLY INADVISABLE BY THE RESIDENT'S ATTENDING PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S MEDICAL RECORDS. ~~(G)~~ (Section 2-108(e) of the Act)

h) There shall be no traffic through a resident's room to reach any other area of the building. ~~(B-G)~~

i) Children under ~~sixteen~~ ~~(16)~~ years of age who are related to employees or owners of a facility, and who are not themselves employees of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity. ~~(G)~~

j) A RESIDENT MAY REFUSE TO PERFORM LABOR FOR A FACILITY. ~~(G)~~ (Section 2-113 of the Act)

k) A RESIDENT SHALL BE PERMITTED THE FREE EXERCISE OF RELIGION. UPON A RESIDENT'S REQUEST, AND IF NECESSARY AT HIS EXPENSE, THE FACILITY ADMINISTRATOR SHALL MAKE ARRANGEMENTS FOR A RESIDENT'S ATTENDANCE AT RELIGIOUS SERVICES OF THE RESIDENT'S CHOICE. HOWEVER, NO RELIGIOUS BELIEFS OR PRACTICES, OR ATTENDANCE AT RELIGIOUS SERVICES, MAY BE IMPOSED UPON ANY RESIDENT. ~~(G)~~ (Section 2-109 of the Act)

l) All facilities shall comply with the ~~"Illinois"~~ Election Code ~~(Ill. Rev. Stat. 1987, ch. 46, par. 1-1 et seq.)~~ as it pertains to absentee voting for residents of licensed long-term care facilities. ~~(G)~~

m) THE FACILITY SHALL IMMEDIATELY NOTIFY THE RESIDENT'S NEXT OF KIN,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.4210(m) (continued)

REPRESENTATIVE AND PHYSICIAN OF THE RESIDENT'S DEATH OR WHEN THE RESIDENT'S DEATH APPEARS TO BE IMMINENT. ~~(G)~~ (Section 2-208 of the Act)

n) The facility shall also immediately notify the resident's family, guardian, representative, conservator and any private or public agency financially responsible for the resident's care whenever unusual circumstances such as accidents, sudden illness, disease, unexplained absences, extraordinary resident charges, billings, or related administrative matters arise. ~~(B-G)~~

o) WHERE A RESIDENT, A RESIDENT'S REPRESENTATIVE OR A RESIDENT'S NEXT OF KIN BELIEVES THAT AN EMERGENCY EXISTS EACH OF THEM, COLLECTIVELY OR SEPARATELY, MAY FILE A VERIFIED PETITION TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE FACILITY IS LOCATED FOR AN ORDER PLACING THE FACILITY UNDER THE CONTROL OF A RECEIVER. ~~(G)~~ (Section 3-503 of the Act)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.4220 Medical and Personal Care Program

a) A RESIDENT SHALL BE PERMITTED TO RETAIN THE SERVICES OF HIS OWN PERSONAL PHYSICIAN AT HIS OWN EXPENSE UNDER AN INDIVIDUAL OR GROUP PLAN OF HEALTH INSURANCE, OR UNDER ANY PUBLIC OR PRIVATE ASSISTANCE PROGRAM PROVIDING SUCH COVERAGE. ~~(Section 2-104(a) of the Act)~~ ~~(B-G)~~

b) THE DEPARTMENT SHALL NOT PRESCRIBE THE COURSE OF MEDICAL TREATMENT PROVIDED TO AN INDIVIDUAL RESIDENT BY THE RESIDENT'S PHYSICIAN IN A FACILITY. ~~(Section 2-104(a) of the Act)~~ ~~(G)~~

c) EVERY RESIDENT SHALL BE PERMITTED TO OBTAIN FROM HIS OWN PHYSICIAN OR THE PHYSICIAN ATTACHED TO THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS MEDICAL DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE RESIDENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. ~~(Section 2-104(a) of the Act)~~ ~~(G)~~

d) ALL RESIDENTS ~~EVERY RESIDENT~~ SHALL BE PERMITTED TO PARTICIPATE IN THE PLANNING OF THEIR ~~HTS~~ TOTAL CARE AND MEDICAL TREATMENT TO THE EXTENT THAT THEIR ~~HTS~~ CONDITION PERMITS. ~~(Section 2-104(a) of the Act)~~ ~~(G)~~

e) NO RESIDENT SHALL BE SUBJECTED TO EXPERIMENTAL RESEARCH OR TREATMENT WITHOUT FIRST OBTAINING HIS INFORMED, WRITTEN CONSENT. THE CONDUCT

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.4220(e) (continued)

OF ANY EXPERIMENTAL RESEARCH OR TREATMENT SHALL BE AUTHORIZED AND MONITORED BY AN INSTITUTIONAL REVIEW COMMITTEE APPOINTED BY THE ADMINISTRATOR OF THE FACILITY WHERE SUCH RESEARCH AND TREATMENT IS CONDUCTED. (Section 2-104(a) of the Act) (A, B, ~~G~~)

- f) EVERY RESIDENT SHALL BE PERMITTED TO REFUSE MEDICAL TREATMENT AND TO KNOW THE CONSEQUENCES OF SUCH ACTION, UNLESS SUCH REFUSAL WOULD BE HARMFUL TO THE HEALTH AND SAFETY OF OTHERS AND SUCH HARM IS DOCUMENTED BY A PHYSICIAN IN THE RESIDENT'S CLINICAL RECORD. (Section 2-104(b) of the Act) (B, ~~G~~)

g) Inspection and Copying of Records

- 1) EVERY RESIDENT, RESIDENT'S GUARDIAN, OR PARENT IF THE RESIDENT IS A MINOR SHALL BE PERMITTED TO INSPECT AND COPY ALL THE RESIDENT'S ~~HIS~~ CLINICAL AND OTHER RECORDS CONCERNING THE RESIDENT'S ~~HIS~~ CARE AND MAINTENANCE KEPT BY THE FACILITY OR BY THE RESIDENT'S ~~HIS~~ PHYSICIAN. ~~(See Section 2-104(c) of the Act.)~~ (Section 2-104(b) of the Act)

- 2) EVERY RESIDENT'S REPRESENTATIVE SHALL BE PERMITTED TO INSPECT AND COPY THE RESIDENT'S RECORDS. A "RESIDENT'S REPRESENTATIVE" IS A PERSON, OTHER THAN THE OWNER OR AGENT OR EMPLOYEE OF A FACILITY WHO IS NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. ~~(See Sections 2-202(h) and 2-123 of the Act.)~~ (Sections 1-123 and 2-202(h) of the Act)

- h) A RESIDENT SHALL BE PERMITTED RESPECT AND PRIVACY IN HIS MEDICAL AND PERSONAL CARE PROGRAM. EVERY RESIDENT'S CASE DISCUSSION, CONSULTATION, EXAMINATION AND TREATMENT SHALL BE CONFIDENTIAL AND SHALL BE CONDUCTED DISCREETLY, AND THOSE PERSONS NOT DIRECTLY INVOLVED IN THE RESIDENT'S CARE MUST HAVE HIS PERMISSION TO BE PRESENT. (Section 2-105 of the Act) (B, ~~G~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.4230 Restraints

- a) NEITHER PHYSICAL RESTRAINTS NOR CONFINEMENTS SHALL BE EMPLOYED FOR THE PURPOSE OF PUNISHMENT OR FOR THE CONVENIENCE OF ANY FACILITY PERSONNEL. NO PHYSICAL RESTRAINTS OR CONFINEMENTS SHALL BE EMPLOYED EXCEPT AS ORDERED BY A PHYSICIAN WHO DOCUMENTS THE NEED FOR SUCH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.4230(a) (continued)

RESTRAINTS OR CONFINEMENTS IN THE RESIDENT'S CLINICAL RECORD. (Section 2-106 of the Act) (B, ~~G~~)

- b) Restraints and confinements may be employed only when necessary to prevent a resident from injuring himself or others. The physician's written authorization shall specify the precise time periods and conditions in which any restraints and confinements shall be employed. (B, ~~G~~)
- c) No chemical, medication or tranquilizer shall be employed by a facility as a restraint or confinement in lieu of or in addition to any physical restraint or confinement. Such chemicals, medications or tranquilizers may only be employed as part of a duly prescribed therapeutic medical treatment program authorized by the resident's physician and documented in the resident's clinical record. (B, ~~G~~)
- d) No resident shall be subjected to any behavior modification program which utilizes restraints, confinements, or aversive stimuli of any nature unless and until the informed consent of such resident, resident's guardian, or parent of a minor resident has been obtained. (B, ~~G~~)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.4240 Abuse and Neglect

- a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (Section 2-107 of the Act) (A, B, ~~G~~)
- b) A FACILITY EMPLOYEE OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER TO THE FACILITY ADMINISTRATOR. (Section 3-610 of the Act) ~~(G)~~
- c) A FACILITY ADMINISTRATOR WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER BY TELEPHONE AND IN WRITING TO THE RESIDENT'S REPRESENTATIVE ~~OR IF HE IS NOT AVAILABLE THEN TO THE DEPARTMENT.~~ (Section 3-610 of the Act) ~~(G)~~
- d) A FACILITY ADMINISTRATOR, EMPLOYEE, OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL ALSO REPORT THE MATTER TO THE DEPARTMENT. (Section 3-610 of the Act)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.4250 Communication and Visitation

- a) EVERY RESIDENT SHALL BE PERMITTED UNIMPEDED, PRIVATE AND UNCENSORED COMMUNICATION OF HIS CHOICE BY MAIL, PUBLIC TELEPHONE OR VISITATION. (Section 2-108 of the Act) ~~(c)~~
- b) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT CORRESPONDENCE IS CONVENIENTLY RECEIVED AND MAILED, AND THAT TELEPHONES ARE REASONABLY ACCESSIBLE. (Section 2-108(a) of the Act) ~~(c)~~
- c) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT RESIDENTS MAY HAVE PRIVATE VISITS AT ANY REASONABLE HOUR UNLESS SUCH VISITS ARE NOT MEDICALLY ADVISABLE FOR THE RESIDENT AS DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD BY THE RESIDENT'S PHYSICIAN. (Section 2-108(a) of the Act) ~~(c)~~
- d) The facility shall allow daily visiting between 10 A.M. and 8 P.M. These visiting hours shall be posted in plain view of visitors. ~~(c)~~
- e) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT SPACE FOR VISITS IS AVAILABLE AND THAT FACILITY PERSONNEL KNOCK ~~EXCEPT IN AN EMERGENCY, BEFORE ENTERING ANY RESIDENT'S ROOM.~~ (Section 2-108(c) of the Act) ~~(c)~~
- f) UNIMPEDED, PRIVATE AND UNCENSORED COMMUNICATION BY MAIL, PUBLIC TELEPHONE, AND VISITATION MAY BE REASONABLY RESTRICTED BY A PHYSICIAN ONLY IN ORDER TO PROTECT THE RESIDENT OR OTHERS FROM HARM, HARASSMENT OR INTIMIDATION PROVIDED THAT THE REASON FOR ANY SUCH RESTRICTION IS PLACED IN THE RESIDENT'S CLINICAL RECORD BY THE PHYSICIAN AND THAT NOTICE OF SUCH RESTRICTION SHALL BE GIVEN TO ALL RESIDENTS UPON ADMISSION. (Section 2-108(d) of the Act) ~~(c)~~
- g) NOTWITHSTANDING SECTION 330.4250(f) OF THIS SECTION ~~ABOVE,~~ ALL LETTERS ADDRESSED BY A RESIDENT TO THE GOVERNOR, MEMBERS OF THE GENERAL ASSEMBLY, ATTORNEY GENERAL, JUDGES, STATE'S ATTORNEYS, OFFICERS OF THE DEPARTMENT, OR LICENSED ATTORNEYS AT LAW SHALL BE FORWARDED AT ONCE TO THE PERSONS TO WHOM THEY ARE ADDRESSED WITHOUT EXAMINATION BY FACILITY PERSONNEL. LETTERS IN REPLY FROM THE OFFICIALS AND ATTORNEYS MENTIONED ABOVE SHALL BE DELIVERED TO THE RECIPIENT WITHOUT EXAMINATION BY FACILITY PERSONNEL. (Section 2-108(d) of the Act) ~~(c)~~
- h) ANY EMPLOYEE OR AGENT OF A PUBLIC AGENCY, ANY REPRESENTATIVE OF A COMMUNITY LEGAL SERVICES PROGRAM OR ANY MEMBER OF A COMMUNITY ORGANIZATION SHALL BE PERMITTED ACCESS AT REASONABLE HOURS TO ANY INDIVIDUAL RESIDENT OF ANY FACILITY, IF THE PURPOSE OF SUCH AGENCY,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.4250(h) (continued)

PROGRAM OR ORGANIZATION INCLUDES RENDERING ASSISTANCE TO RESIDENTS WITHOUT CHARGE, BUT ONLY IF THERE IS NEITHER A COMMERCIAL PURPOSE NOR AFFECT TO SUCH ACCESS AND IF THE PURPOSE IS TO DO ANY OTHER THE FOLLOWING:

- 1) VISIT, TALK WITH AND MAKE PERSONAL, SOCIAL, AND LEGAL SERVICES AVAILABLE TO ALL RESIDENTS; ~~(c)~~
- 2) INFORM RESIDENTS OF THEIR RIGHTS AND ENTITLEMENTS AND THEIR CORRESPONDING OBLIGATIONS, UNDER FEDERAL AND STATE LAWS, BY MEANS OF EDUCATIONAL MATERIALS AND DISCUSSIONS IN GROUPS AND WITH INDIVIDUAL RESIDENTS; ~~(c)~~
- 3) ASSIST RESIDENTS IN ASSERTING THEIR LEGAL RIGHTS REGARDING CLAIMS FOR PUBLIC ASSISTANCE, MEDICAL ASSISTANCE AND SOCIAL SECURITY BENEFITS AS WELL AS IN ALL OTHER MATTERS IN WHICH RESIDENTS ARE AGGRIEVED. ASSISTANCE MAY INCLUDE COUNSELING AND LITIGATION; OR ~~(c)~~
- 4) ENGAGE IN OTHER METHODS OF ASSERTING, ADVISING AND REPRESENTING RESIDENTS SO AS TO EXTEND TO THEM FULL ENJOYMENT OF THEIR RIGHTS. (Section 2-110(a) of the Act) ~~(c)~~
- i) NO VISITOR SHALL ENTER THE IMMEDIATE LIVING AREA OF ANY RESIDENT WITHOUT FIRST IDENTIFYING HIMSELF AND THEN RECEIVING PERMISSION FROM THE RESIDENT TO ENTER. THE RIGHTS OF OTHER RESIDENTS PRESENT IN THE ROOM SHALL BE RESPECTED. (Section 2-110(b) of the Act) (B, ~~(c)~~)
- j) A RESIDENT MAY TERMINATE AT ANY TIME A VISIT BY A PERSON HAVING ACCESS TO THE RESIDENT'S LIVING AREA. (Section 2-110(b) of the Act) ~~(c)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.4260 Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) THROUGH (n) OF THIS SECTION. ~~(c)~~ (Section 2-102 of the Act) ~~(111 Rev-Stat-1985, ch-111 1/2, par-4152-102)~~
- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF

Section 330.4260(b) (continued)

PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, AND OBTAIN A SIGNED ACKNOWLEDGEMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. ~~(Section 2-201(1) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(1))~~

c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS, AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. ~~(Section 2-201(2) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(2))~~

d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. ~~(Section 2-201(3) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(3))~~

e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. ~~(Section 2-201(4) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(4))~~

f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS. ~~(Section 2-201(5) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(5))~~

g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE

Section 330.4260(g) (continued)

REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. ~~(Section 2-201(6) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(6))~~

h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. ~~(Section 2-201(7) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(7))~~

i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. ~~(Section 2-201(7) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(7))~~

j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN TO THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. ~~(Section 2-201(8) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(8))~~

k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. ~~(Section 2-201(9) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(9))~~

l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. ~~(Section 2-201(10) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(10))~~

m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.4260(m) (continued)

THE GUARDIANSHIP AND ADVOCACY COMMISSION. ~~(G)~~ (Section 2-201(11) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(11))~~

- n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. ~~(G)~~ (Section 2-201(12) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(12))~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.4270 Residents' Advisory Council

Each resident shall have the right to participate in a residents' advisory council as indicated in Section 330.740(a) through (i). ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.4280 Contract With Facility

Each resident shall have the right to contract with the facility as indicated in Section 330.730(a) through (s). ~~(G)~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.4290 Private Right of Action

- a) Each resident shall have the right to maintain a private right of action against a facility as described in subsections ~~Section 330.4290~~ (b) through (i) of this Section ~~below~~.

- b) THE OWNER AND LICENSEE OF A FACILITY ARE LIABLE TO A RESIDENT FOR ANY INTENTIONAL OR NEGLIGENT ACT OR OMISSION OF THEIR AGENTS OR EMPLOYEES WHICH INJURES THE RESIDENT. (Section 3-601 of the Act)

- c) THE LICENSEE SHALL PAY ~~3~~ THREE TIMES THE ACTUAL DAMAGES, OR \$500, WHICHEVER IS GREATER, AND COSTS AND ATTORNEY'S FEES TO A FACILITY RESIDENT WHOSE RIGHTS AS SPECIFIED IN PART I OF ARTICLE II OF THE ACT ARE VIOLATED. (Section 3-602 of the Act)

- d) A RESIDENT MAY MAINTAIN AN ACTION UNDER THIS ACT AND THIS PART

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.4290(d) (continued)

~~THESE RULES~~ FOR ANY OTHER TYPE OF RELIEF, INCLUDING INJUNCTIVE AND DECLARATORY RELIEF, PERMITTED BY LAW. (Section 3-603 of the Act)

- e) ANY DAMAGES RECOVERABLE UNDER SUBSECTIONS ~~Section 330.4290~~ (b) THROUGH (i) OF THIS SECTION, INCLUDING MINIMUM DAMAGES AS PROVIDED BY THESE RULES, MAY BE RECOVERED IN ANY ACTION WHICH A COURT MAY AUTHORIZE TO BE BROUGHT AS A CLASS ACTION PURSUANT TO PART 8 OF THE CIVIL PRACTICE LAW (Ill. Rev. Stat. ~~1983~~ 1987, ch. 110, pars. 2-801 ~~2-101~~ et seq.). THE REMEDIES PROVIDED IN SUBSECTIONS ~~Section 330.4290~~ (b) THROUGH (i) OF THIS SECTION ARE IN ADDITION TO AND CUMULATIVE WITH ANY OTHER LEGAL REMEDIES AVAILABLE TO A RESIDENT. EXHAUSTION OF ANY AVAILABLE ADMINISTRATIVE REMEDIES SHALL NOT BE REQUIRED PRIOR TO COMMENCEMENT OF A SUIT HEREUNDER. (Section 3-604 of the Act)

- f) THE AMOUNT OF DAMAGES RECOVERED BY A RESIDENT IN AN ACTION BROUGHT UNDER SUBSECTIONS ~~Section 330.4290~~ (b) THROUGH (i) OF THIS SECTION SHALL BE EXEMPT FOR PURPOSES OF DETERMINING INITIAL OR CONTINUING ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE (Ill. Rev. Stat. ~~1983~~ 1987, ch. 23, pars. 1-1 et seq.), AS NOW OR HEREFTER AMENDED, AND SHALL NEITHER BE TAKEN INTO CONSIDERATION NOR REQUIRED TO BE APPLIED TOWARD THE PAYMENT OR PARTIAL PAYMENT OF THE COST OF MEDICAL CARE OR SERVICES AVAILABLE UNDER THE ILLINOIS PUBLIC AID CODE. (Section 3-605 of the Act)

- g) ANY WAIVER BY A RESIDENT OR HIS LEGAL REPRESENTATIVE OF THE RIGHT TO COMMENCE AN ACTION UNDER SUBSECTIONS ~~Section 330.4290~~ (b) THROUGH (i) OF THIS SECTION, WHETHER ORAL OR IN WRITING, SHALL BE NULL AND VOID, AND WITHOUT LEGAL FORCE OR EFFECT. (Section 3-606 of the Act)

- h) ANY PARTY TO AN ACTION BROUGHT UNDER SUBSECTIONS ~~Section 330.4290~~ (b) THROUGH (i) OF THIS SECTION SHALL BE ENTITLED TO A TRIAL BY JURY AND ANY WAIVER OF THE RIGHT TO A TRIAL BY JURY, WHETHER ORAL OR IN WRITING, PRIOR TO THE COMMENCEMENT OF AN ACTION, SHALL BE NULL AND VOID, AND WITHOUT LEGAL FORCE OR EFFECT. (Section 3-607 of the Act)

- i) A LICENSEE OR ITS AGENTS OR EMPLOYEES SHALL NOT TRANSFER, DISCHARGE, EVICT, HARASS, DISMISS, OR RETALIATE AGAINST A RESIDENT, A RESIDENT'S REPRESENTATIVE, OR AN EMPLOYEE OR AGENT WHO MAKES A REPORT OF RESIDENT ABUSE OR NEGLECT, BRINGS OR TESTIFIES IN A PRIVATE RIGHT OF ACTION, OR FILES A COMPLAINT, BECAUSE OF THE SUCH ACTION OR TESTIMONY. (~~B-6~~) (Section 3-608 of the Act)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.4300 Transfer ~~and~~ or Discharge

- a) A RESIDENT MAY BE VOLUNTARILY DISCHARGED FROM A FACILITY AFTER HE GIVES THE ADMINISTRATOR, A PHYSICIAN, OR A NURSE OF THE FACILITY WRITTEN NOTICE OF HIS DESIRE TO BE DISCHARGED. IF A GUARDIAN HAS BEEN APPOINTED FOR A RESIDENT OR IF THE RESIDENT IS A MINOR, THE RESIDENT SHALL BE DISCHARGED UPON WRITTEN CONSENT OF HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT UNLESS THERE IS A COURT ORDER TO THE CONTRARY. IN SUCH CASES, UPON THE RESIDENT'S DISCHARGE, THE FACILITY IS RELIEVED FROM ANY RESPONSIBILITY FOR THE RESIDENT'S CARE, SAFETY OR WELL-BEING. ~~(6)~~ (Section 2-111 of the Act) ~~4111~~ ~~Rev. Stat. 1985, ch. 111 1/2, par. 4152-1111~~
- b) Each resident's rights regarding involuntary transfer or discharge from a facility shall be as described in subsections (c) through (y) of this Section.

c) Reasons for Transfer or Discharge

- 1) A FACILITY MAY INVOLUNTARILY TRANSFER OR DISCHARGE A RESIDENT ONLY FOR ONE OR MORE OF THE FOLLOWING REASONS: ~~SHALL NOT INVOLUNTARILY TRANSFER OR DISCHARGE A RESIDENT EXCEPT~~
- A) FOR MEDICAL REASONS. ~~1~~
- B) FOR THE RESIDENT'S PHYSICAL SAFETY. ~~OR~~
- C) FOR THE PHYSICAL SAFETY OF OTHER RESIDENTS, THE FACILITY STAFF OR FACILITY VISITORS. ~~1~~ ~~OR~~
- D) FOR EITHER LATE PAYMENT OR NONPAYMENT FOR THE RESIDENT'S STAY, EXCEPT AS PROHIBITED BY TITLE XVIII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT. FOR PURPOSES OF THIS SECTION, "LATE PAYMENT" MEANS NON-RECEIPT OF PAYMENT AFTER SUBMISSION OF A BILL. IF PAYMENT IS NOT RECEIVED WITHIN 45 DAYS AFTER SUBMISSION OF A BILL, THE FACILITY MAY SEND A NOTICE TO THE RESIDENT AND RESPONSIBLE PARTY REQUESTING PAYMENT WITHIN 30 DAYS. IF PAYMENT IS NOT RECEIVED WITHIN SUCH 30 DAYS, THE FACILITY MAY THEREUPON INSTITUTE TRANSFER OR DISCHARGE PROCEEDINGS BY SENDING A NOTICE OF TRANSFER OR DISCHARGE TO THE RESIDENT AND RESPONSIBLE PARTY BY REGISTERED OR CERTIFIED MAIL. THE NOTICE SHALL STATE, IN ADDITION TO THE REQUIREMENTS OF SECTION 3-403 OF THE ACT and subsection (e) of this Section, THAT THE RESPONSIBLE PARTY HAS THE RIGHT TO PAY THE AMOUNT OF THE BILL IN FULL UP TO THE DATE THE TRANSFER OR DISCHARGE IS TO BE MADE AND THEN THE RESIDENT SHALL HAVE THE RIGHT TO REMAIN IN THE

Section 330.4300(c)(1)(d) (continued)

FACILITY. SUCH PAYMENT SHALL TERMINATE THE TRANSFER OR DISCHARGE PROCEEDINGS. THIS SUBSECTION DOES NOT APPLY TO THOSE RESIDENTS WHOSE CARE IS PROVIDED UNDER THE ILLINOIS PUBLIC AID CODE. (B, C) (Section 3-401 of the Act) ~~4111~~ ~~Rev. Stat. 1985, ch. 111 1/2, par. 4153-401~~

2) Prohibition of Discrimination

- ~~1~~ A) A FACILITY PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM IS PROHIBITED FROM FAILING OR REFUSING TO RETAIN AS A RESIDENT ANY PERSON BECAUSE THE RESIDENT IS A RECIPIENT OF OR AN APPLICANT FOR THE MEDICAL ASSISTANCE PROGRAM. FOR THE PURPOSES OF THIS SECTION, A RECIPIENT OR APPLICANT SHALL BE CONSIDERED A RESIDENT IN THE FACILITY DURING ANY HOSPITAL STAY TOTALING TEN DAYS OR LESS FOLLOWING A HOSPITAL ADMISSION. The day on which a resident is discharged from the facility and admitted to the hospital shall be considered the first day of the ten-day period. (Section 3-401.1(a) of the Act) ~~4111~~ ~~Rev. Stat. 1985, ch. 111 1/2, par. 4153-401.1(a)~~
- ~~2~~ B) A FACILITY WHICH VIOLATES SUBSECTION (C)(2)(A) ~~4111~~ OF THIS SECTION SHALL BE GUILTY OF A BUSINESS OFFENSE AND FINED NOT LESS THAN \$500 NOR MORE THAN \$1,000 FOR THE FIRST OFFENSE AND NOT LESS THAN \$1,000 NOR MORE THAN \$5,000 FOR EACH SUBSEQUENT OFFENSE. (Section 3-401.1(b) of the Act) ~~4111~~ ~~Rev. Stat. 1985, ch. 111 1/2, par. 4153-401.1(b)~~
- d) INVOLUNTARY TRANSFER OR DISCHARGE OF A RESIDENT FROM A FACILITY SHALL BE PRECEDED BY THE DISCUSSION REQUIRED UNDER SUBSECTION (j) OF THIS SECTION AND BY A MINIMUM WRITTEN NOTICE OF 21 DAYS. THE 21-DAY REQUIREMENT SHALL NOT APPLY IN ANY OF THE FOLLOWING INSTANCES:
- 1) WHEN AN EMERGENCY TRANSFER OR DISCHARGE IS MANDATED BY THE RESIDENT'S HEALTH CARE NEEDS AND IS IN ACCORD WITH THE WRITTEN ORDERS AND MEDICAL JUSTIFICATION OF THE ATTENDING PHYSICIAN; (Section 3-402(a) of the Act) ~~4111~~ ~~Rev. Stat. 1985, ch. 111 1/2, par. 4153-402(a)~~
- 2) WHEN THE TRANSFER OR DISCHARGE IS MANDATED BY THE PHYSICAL SAFETY OF OTHER RESIDENTS AS DOCUMENTED IN THE CLINICAL RECORD. (Section 3-402(b) of the Act) ~~4111~~ ~~Rev. Stat. 1985, ch. 111 1/2, par. 4153-402(b)~~
- e) THE NOTICE REQUIRED BY SUBSECTION (d) OF THIS SECTION SHALL BE ON A

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.4300(e) (continued)

FORM PRESCRIBED BY THE DEPARTMENT AND SHALL CONTAIN ALL OF THE FOLLOWING:

- 1) THE STATED REASON FOR THE PROPOSED TRANSFER OR DISCHARGE;
~~(c)~~ (Section 3-403(a) of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(a))~~
- 2) THE EFFECTIVE DATE OF THE PROPOSED TRANSFER OR DISCHARGE;
~~(c)~~ (Section 3-403(b) of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(b))~~
- 3) A STATEMENT IN NOT LESS THAN 12-POINT TYPE, WHICH READS: "YOU HAVE A RIGHT TO APPEAL THE FACILITY'S DECISION TO TRANSFER OR DISCHARGE YOU. IF YOU THINK YOU SHOULD NOT HAVE TO LEAVE THIS FACILITY, YOU MAY FILE A REQUEST FOR A HEARING WITH THE DEPARTMENT OF PUBLIC HEALTH WITHIN ~~10~~ TEN DAYS AFTER RECEIVING THIS NOTICE. IF YOU REQUEST A HEARING, IT WILL BE HELD NOT LATER THAN TEN ~~10~~ DAYS AFTER YOUR REQUEST, AND YOU GENERALLY WILL NOT BE TRANSFERRED OR DISCHARGED DURING THAT TIME. IF THE DECISION FOLLOWING THE HEARING IS NOT IN YOUR FAVOR, YOU GENERALLY WILL NOT BE TRANSFERRED OR DISCHARGED PRIOR TO THE EXPIRATION OF 30 DAYS FOLLOWING RECEIPT OF THE ORIGINAL NOTICE OF THE TRANSFER OR DISCHARGE. A FORM TO APPEAL THE FACILITY'S DECISION AND TO REQUEST A HEARING IS ATTACHED. IF YOU HAVE ANY QUESTIONS, CALL THE DEPARTMENT OF PUBLIC HEALTH AT THE TELEPHONE NUMBER LISTED BELOW," ~~(c)~~ (Section 3-403(c) of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(c))~~
- 4) A HEARING REQUEST FORM, TOGETHER WITH A POSTAGE PAID, PREADDRESSED ENVELOPE TO THE DEPARTMENT; AND ~~(c)~~ (Section 3-403(d) of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(d))~~
- 5) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON CHARGED WITH THE RESPONSIBILITY OF SUPERVISING THE TRANSFER OR DISCHARGE. ~~(c)~~ (Section 3-403(e) of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(e))~~
- f) A REQUEST FOR A HEARING MADE UNDER SUBSECTION (e) OF THIS SECTION SHALL STAY A TRANSFER PENDING A HEARING OR APPEAL OF THE DECISION, UNLESS A CONDITION WHICH WOULD HAVE ALLOWED TRANSFER OR DISCHARGE IN LESS THAN 21 DAYS AS DESCRIBED UNDER SUBSECTIONS (d)(1) AND (2) OF THIS SECTION DEVELOPS IN THE INTERIM. ~~(c)~~ (Section 3-404 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-404)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.4300 (continued)

- g) A COPY OF THE NOTICE REQUIRED BY SUBSECTION (d) OF THIS SECTION SHALL BE PLACED IN THE RESIDENT'S CLINICAL RECORD AND A COPY SHALL BE TRANSMITTED TO THE DEPARTMENT, THE RESIDENT, THE RESIDENT'S REPRESENTATIVE, AND, IF THE RESIDENT'S CARE IS PAID FOR IN WHOLE OR PART THROUGH TITLE XIX, TO THE DEPARTMENT OF PUBLIC AID. ~~(c)~~ (Section 3-405 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-405)~~
- h) WHEN THE BASIS FOR AN INVOLUNTARY TRANSFER OR DISCHARGE IS THE RESULT OF AN ACTION BY THE DEPARTMENT OF PUBLIC AID WITH RESPECT TO A RECIPIENT OF TITLE XIX AND A HEARING REQUEST IS FILED WITH THE DEPARTMENT OF PUBLIC AID, THE 21-DAY WRITTEN NOTICE PERIOD SHALL NOT BEGIN UNTIL A FINAL DECISION IN THE MATTER IS RENDERED BY THE DEPARTMENT OF PUBLIC AID OR A COURT OF COMPETENT JURISDICTION AND NOTICE OF THAT FINAL DECISION IS RECEIVED BY THE RESIDENT AND THE FACILITY. (Section 3-406 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-406)~~
- i) WHEN NONPAYMENT IS THE BASIS FOR INVOLUNTARY TRANSFER OR DISCHARGE, THE RESIDENT SHALL HAVE THE RIGHT TO REDEEM UP TO THE DATE THAT THE DISCHARGE OR TRANSFER IS TO BE MADE AND THEN SHALL HAVE THE RIGHT TO REMAIN IN THE FACILITY. ~~(c)~~ (Section 3-407 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-407)~~
- j) THE PLANNED INVOLUNTARY TRANSFER OR DISCHARGE SHALL BE DISCUSSED WITH THE RESIDENT, THE RESIDENT'S REPRESENTATIVE AND PERSON OR AGENCY RESPONSIBLE FOR THE RESIDENT'S PLACEMENT, MAINTENANCE, AND CARE IN THE FACILITY. THE EXPLANATION AND DISCUSSION OF THE REASONS FOR INVOLUNTARY TRANSFER OR DISCHARGE SHALL INCLUDE THE FACILITY ADMINISTRATOR'S DESIGNEE. THE CONTENT OF THE DISCUSSION AND EXPLANATION SHALL BE SUMMARIZED IN WRITING AND SHALL INCLUDE THE NAMES OF THE INDIVIDUALS INVOLVED IN THE DISCUSSIONS AND MADE A PART OF THE RESIDENT'S CLINICAL RECORD. ~~(c)~~ (Section 3-408 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-408)~~
- k) THE FACILITY SHALL OFFER THE RESIDENT COUNSELING SERVICES BEFORE THE TRANSFER OR DISCHARGE OF THE RESIDENT. ~~(c)~~ (Section 3-409 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-409)~~
- l) A RESIDENT SUBJECT TO INVOLUNTARY TRANSFER OR DISCHARGE FROM A FACILITY, THE RESIDENT'S GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT SHALL HAVE THE OPPORTUNITY TO FILE A REQUEST FOR A HEARING WITH THE DEPARTMENT WITHIN ~~10~~ TEN DAYS FOLLOWING RECEIPT OF THE

Section 330.4300(1) (continued)

WRITTEN NOTICE OF THE INVOLUNTARY TRANSFER OR DISCHARGE BY THE FACILITY. ~~(c)~~ (Section 3-410 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-410)~~

- m) THE DEPARTMENT OF PUBLIC HEALTH, WHEN THE BASIS FOR INVOLUNTARY TRANSFER OR DISCHARGE IS OTHER THAN ACTION BY THE DEPARTMENT OF PUBLIC AID WITH RESPECT TO THE TITLE XIX MEDICAID RECIPIENT, SHALL HOLD A HEARING AT THE RESIDENT'S FACILITY NOT LATER THAN TEN ~~(10)~~ DAYS AFTER A HEARING REQUEST IS FILED, AND RENDER A DECISION WITHIN 14 DAYS AFTER THE FILING OF THE HEARING REQUEST. (Section 3-411 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-411)~~
- n) THE HEARING BEFORE THE DEPARTMENT PROVIDED UNDER SUBSECTION (m) OF THIS SECTION SHALL BE CONDUCTED AS PRESCRIBED UNDER SECTIONS 3-703 THROUGH ~~THRU~~ 3-712 OF THE ACT ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-703 through 4153-712)~~. IN DETERMINING WHETHER A TRANSFER OR DISCHARGE IS AUTHORIZED, THE BURDEN OF PROOF IN THIS HEARING RESTS ON THE PERSON REQUESTING THE TRANSFER OR DISCHARGE. (Section 3-412 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-412)~~
- o) IF THE DEPARTMENT DETERMINES THAT A TRANSFER OR DISCHARGE IS AUTHORIZED UNDER SUBSECTION (c) OF THIS SECTION, THE RESIDENT SHALL NOT BE REQUIRED TO LEAVE THE FACILITY BEFORE THE 34th DAY FOLLOWING RECEIPT OF THE NOTICE REQUIRED UNDER SUBSECTION (d) OF THIS SECTION, OR THE ~~10th~~ TENTH DAY FOLLOWING RECEIPT OF THE DEPARTMENT'S DECISION, WHICHEVER IS LATER, UNLESS A CONDITION WHICH WOULD HAVE ALLOWED TRANSFER OR DISCHARGE IN LESS THAN 21 DAYS AS DESCRIBED UNDER SUBSECTIONS (d)(1) AND (2) OF THIS SECTION DEVELOPS IN THE INTERIM. ~~(B 1-6)~~ (Section 3-413 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-413)~~
- p) THE DEPARTMENT OF PUBLIC AID SHALL CONTINUE TITLE XIX MEDICAID FUNDING DURING THE APPEAL, TRANSFER, OR DISCHARGE PERIOD FOR THOSE RESIDENTS WHO ARE TITLE XIX RECIPIENTS AFFECTED BY SUBSECTION (c) OF THIS SECTION. (Section 3-414 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-414)~~
- q) THE DEPARTMENT MAY TRANSFER OR DISCHARGE ANY RESIDENT FROM ANY FACILITY REQUIRED TO BE LICENSED UNDER THIS ACT WHEN ANY OF THE FOLLOWING CONDITIONS EXIST:
- 1) SUCH FACILITY IS OPERATING WITHOUT A LICENSE; (Section 3-415(a) of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(a))~~

Section 330.4300(q) (continued)

- 2) THE DEPARTMENT HAS SUSPENDED, REVOKED OR REFUSED TO RENEW THE LICENSE OF THE FACILITY AS PROVIDED UNDER SECTION 3-119 OF THE ACT. (Section 3-415(b) of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(b))~~
- 3) THE FACILITY HAS REQUESTED THE AID OF THE DEPARTMENT IN THE TRANSFER OR DISCHARGE OF THE RESIDENT AND THE DEPARTMENT FINDS THAT THE RESIDENT CONSENTS TO TRANSFER OR DISCHARGE: (Section 3-415(c) of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(c))~~
- 4) THE FACILITY IS CLOSING OR INTENDS TO CLOSE AND ADEQUATE ARRANGEMENT FOR RELOCATION OF THE RESIDENT HAS NOT BEEN MADE AT LEAST 30 DAYS PRIOR TO CLOSURE; OR (Section 3-415(d) of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(d))~~
- 5) THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS WHICH REQUIRES IMMEDIATE TRANSFER OR DISCHARGE OF THE RESIDENT. (Section 3-415(e) of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-415(e))~~
- r) IN DECIDING TO TRANSFER OR DISCHARGE A RESIDENT FROM A FACILITY UNDER SUBSECTION (q) OF THIS SECTION, THE DEPARTMENT SHALL CONSIDER THE LIKELIHOOD OF SERIOUS HARM WHICH MAY RESULT IF THE RESIDENT REMAINS IN THE FACILITY. (Section 3-416 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-416)~~
- s) THE DEPARTMENT SHALL OFFER TRANSFER OR DISCHARGE AND RELOCATION ASSISTANCE TO RESIDENTS TRANSFERRED OR DISCHARGED UNDER SUBSECTIONS (c) THROUGH (q) OF THIS SECTION INCLUDING INFORMATION ON AVAILABLE ALTERNATIVE PLACEMENTS. RESIDENTS SHALL BE INVOLVED IN PLANNING THE TRANSFER OR DISCHARGE AND SHALL CHOOSE AMONG THE AVAILABLE ALTERNATIVE PLACEMENTS, EXCEPT THAT WHERE AN EMERGENCY MAKES PRIOR RESIDENT INVOLVEMENT IMPOSSIBLE, THE DEPARTMENT MAY MAKE A TEMPORARY PLACEMENT UNTIL A FINAL PLACEMENT CAN BE ARRANGED. RESIDENTS MAY CHOOSE THEIR FINAL ALTERNATIVE PLACEMENT AND SHALL BE GIVEN ASSISTANCE IN TRANSFERRING TO SUCH PLACE. NO RESIDENT MAY BE FORCED TO REMAIN IN A TEMPORARY OR PERMANENT PLACEMENT. WHERE THE DEPARTMENT MAKES OR PARTICIPATES IN MAKING THE RELOCATION DECISION, CONSIDERATION SHALL BE GIVEN TO PROXIMITY TO THE RESIDENT'S RELATIVES AND FRIENDS. THE RESIDENT SHALL BE ALLOWED ~~3~~ THREE VISITS TO POTENTIAL ALTERNATIVE PLACEMENTS PRIOR TO REMOVAL, EXCEPT WHERE MEDICALLY CONTRAINDICATED OR WHERE THE NEED FOR IMMEDIATE TRANSFER OR DISCHARGE REQUIRES REDUCTION IN THE NUMBER OF VISITS. (Section 3-417 of the Act) ~~(111 Rev. Stat. 1985, ch. 111 1/2, par. 4153-417)~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.4300 (continued)

t) THE DEPARTMENT SHALL PREPARE RESIDENT TRANSFER OR DISCHARGE PLANS TO ASSURE SAFE AND ORDERLY REMOVALS AND PROTECT RESIDENTS' HEALTH, SAFETY, WELFARE AND RIGHTS. IN NONEMERGENCIES AND WHERE POSSIBLE IN EMERGENCIES, THE DEPARTMENT SHALL DESIGN AND IMPLEMENT SUCH PLANS IN ADVANCE OF TRANSFER OR DISCHARGE. (Section 3-418 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-419)~~

u) THE DEPARTMENT MAY PLACE RELOCATION TEAMS IN ANY FACILITY FROM WHICH RESIDENTS ARE BEING DISCHARGED OR TRANSFERRED FOR ANY REASON, FOR THE PURPOSE OF IMPLEMENTING TRANSFER OR DISCHARGE PLANS. (Section 3-419 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-419)~~

v) IN ANY TRANSFER OR DISCHARGE CONDUCTED UNDER SUBSECTIONS (q) THROUGH (t) OF THIS SECTION THE DEPARTMENT SHALL:

1) PROVIDE WRITTEN NOTICE TO THE FACILITY PRIOR TO THE TRANSFER OR DISCHARGE. THE NOTICE SHALL STATE THE BASIS FOR THE ORDER OF TRANSFER OR DISCHARGE AND SHALL INFORM THE FACILITY OF ITS RIGHT TO AN INFORMAL CONFERENCE PRIOR TO TRANSFER OR DISCHARGE UNDER THIS SECTION, AND ITS RIGHT TO A SUBSEQUENT HEARING UNDER SUBSECTION (x) OF THIS SECTION. IF A FACILITY DESIRES TO CONTEST A NONEMERGENCY TRANSFER OR DISCHARGE, PRIOR TO TRANSFER OR DISCHARGE IT SHALL, WITHIN FOUR ~~(4)~~ WORKING DAYS AFTER RECEIPT OF THE NOTICE, SEND A WRITTEN REQUEST FOR AN INFORMAL CONFERENCE TO THE DEPARTMENT. THE DEPARTMENT SHALL, WITHIN FOUR ~~(4)~~ WORKING DAYS FROM THE RECEIPT OF THE REQUEST, HOLD AN INFORMAL CONFERENCE IN THE COUNTY IN WHICH THE FACILITY IS LOCATED. FOLLOWING THIS CONFERENCE, THE DEPARTMENT MAY AFFIRM, MODIFY OR OVERRULE ITS PREVIOUS DECISION. EXCEPT IN AN EMERGENCY, TRANSFER OR DISCHARGE MAY NOT BEGIN UNTIL THE PERIOD FOR REQUESTING A CONFERENCE HAS PASSED OR, IF A CONFERENCE IS REQUESTED, UNTIL AFTER A CONFERENCE HAS BEEN HELD; AND (Section 3-420(a) of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-420(a))~~

2) PROVIDE WRITTEN NOTICE TO ANY RESIDENT TO BE REMOVED, TO THE RESIDENT'S REPRESENTATIVE, IF ANY, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE, PRIOR TO THE REMOVAL. THE NOTICE SHALL STATE THE REASON FOR WHICH TRANSFER OR DISCHARGE IS ORDERED AND SHALL INFORM THE RESIDENT OF THE RESIDENT'S RIGHT TO CHALLENGE THE TRANSFER OR DISCHARGE UNDER SUBSECTION (x) OF THIS SECTION. THE DEPARTMENT SHALL HOLD AN INFORMAL CONFERENCE WITH THE RESIDENT OR THE RESIDENT'S REPRESENTATIVE PRIOR TO TRANSFER OR DISCHARGE AT WHICH THE RESIDENT OR THE REPRESENTATIVE MAY PRESENT ANY OBJECTIONS TO THE PROPOSED TRANSFER OR DISCHARGE

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.4300(v)(2) (continued)

PLAN OR ALTERNATIVE PLACEMENT. (Section 3-420(b) of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-420(b))~~

w) IN ANY TRANSFER OR DISCHARGE CONDUCTED UNDER SUBSECTION (q)(5) OF THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE FACILITY AND ANY RESIDENT TO BE REMOVED THAT AN EMERGENCY HAS BEEN FOUND TO EXIST AND REMOVAL HAS BEEN ORDERED, AND SHALL INVOLVE THE RESIDENTS IN REMOVAL PLANNING IF POSSIBLE. FOLLOWING EMERGENCY REMOVAL, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO THE FACILITY, TO THE RESIDENT, TO THE RESIDENT'S REPRESENTATIVE, IF ANY, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE, OF THE BASIS FOR THE FINDING THAT AN EMERGENCY EXISTED AND OF THE RIGHT TO CHALLENGE REMOVAL UNDER SUBSECTION (x) OF THIS SECTION. (Section 3-421 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-421)~~

x) WITHIN ~~10~~ TEN DAYS FOLLOWING TRANSFER OR DISCHARGE, THE FACILITY OR ANY RESIDENT TRANSFERRED OR DISCHARGED MAY SEND A WRITTEN REQUEST TO THE DEPARTMENT FOR A HEARING UNDER SECTION 3-703 OF THE ACT ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-703)~~ TO CHALLENGE THE TRANSFER OR DISCHARGE. THE DEPARTMENT SHALL HOLD THE HEARING WITHIN 30 DAYS OF RECEIPT OF THE REQUEST. WHERE A CHALLENGE IS BY A RESIDENT, THE HEARING SHALL BE HELD AT A LOCATION CONVENIENT TO THE RESIDENT. IF THE FACILITY PREVAILS, IT MAY FILE A CLAIM AGAINST THE STATE UNDER THE ~~"COURT OF CLAIMS ACT"~~ FOR PAYMENTS LOSS LESS EXPENSES SAVED AS A RESULT OF THE TRANSFER OR DISCHARGE. NO RESIDENT TRANSFERRED OR DISCHARGED MAY BE HELD LIABLE FOR THE CHARGE FOR CARE WHICH WOULD HAVE BEEN MADE HAD THE RESIDENT REMAINED IN THE FACILITY. IF A RESIDENT PREVAILS, THE RESIDENT MAY FILE A CLAIM AGAINST THE STATE UNDER THE ~~"COURT OF CLAIMS ACT"~~ (111. Rev. Stat. 1987 ~~1985~~, ch. 37, pars. 439.1 et seq.) FOR ANY EXCESS EXPENSES DIRECTLY CAUSED BY THE ORDER TO TRANSFER OR DISCHARGE. THE DEPARTMENT SHALL ASSIST THE RESIDENT IN RETURNING TO THE FACILITY IF ASSISTANCE IS REQUESTED. (Section 3-422 of the Act) ~~(111. Rev. Stat. 1985, ch. 111 1/2, par. 4153-422)~~

y) ANY OWNER OF A FACILITY LICENSED UNDER THIS ACT SHALL GIVE 90 DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OF MORE THAN ~~10~~ TEN PERCENT OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENT WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE FACILITY SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.4300(y) (continued)

ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER SUBSECTION (u) OF THIS SECTION. (A, 8—G—) (Section 3-423 of the Act)

~~411, Rev. Stat. 1985, ch. 111 1/2, par. 4153-423~~

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.4310 Complaint Procedures

- a) A RESIDENT SHALL BE PERMITTED TO PRESENT GRIEVANCES ON BEHALF OF HIMSELF AND OTHERS TO THE ADMINISTRATOR, THE LONG-TERM CARE FACILITY ADVISORY BOARD, THE RESIDENTS' ADVISORY COUNCIL, STATE GOVERNMENTAL AGENCIES OR OTHER PERSONS WITHOUT THREAT OF DISCHARGE OR REPRISAL IN ANY FORM OR MANNER WHATSOEVER. ~~(G—)~~ (Section 2-212 of the Act)
- b) THE FACILITY ADMINISTRATOR SHALL PROVIDE ALL RESIDENTS OR THEIR REPRESENTATIVES WITH THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPROPRIATE STATE GOVERNMENTAL OFFICE WHERE COMPLAINTS MAY BE LODGED. ~~(G—)~~ (Section 2-212 of the Act)
- c) A PERSON WHO BELIEVES THAT THE ACT OR A RULE PROMULGATED UNDER THE ACT MAY HAVE BEEN VIOLATED MAY REQUEST AN INVESTIGATION. THE REQUEST MAY BE SUBMITTED TO THE DEPARTMENT IN WRITING, BY TELEPHONE, OR BY PERSONAL VISIT. AN ORAL COMPLAINT SHALL BE REDUCED TO WRITING BY THE DEPARTMENT. (Section 3-702(a) of the Act)
- d) THE SUBSTANCE OF THE COMPLAINT SHALL BE PROVIDED TO THE LICENSEE, OWNER OR ADMINISTRATOR NO EARLIER THAN AT THE COMMENCEMENT OF THE ON-SITE INSPECTION OF THE FACILITY WHICH TAKES PLACE PURSUANT TO THE COMPLAINT. (Section 3-702(b) of the Act)
- e) THE DEPARTMENT SHALL NOT DISCLOSE THE NAME OF THE COMPLAINANT UNLESS THE COMPLAINANT CONSENTS IN WRITING TO THE DISCLOSURE OR THE INVESTIGATION RESULTS IN A JUDICIAL PROCEEDING, OR UNLESS DISCLOSURE IS ESSENTIAL TO THE INVESTIGATION. THE COMPLAINANT SHALL BE GIVEN THE OPPORTUNITY TO WITHDRAW THE COMPLAINT BEFORE DISCLOSURE. UPON THE REQUEST OF THE COMPLAINANT, THE DEPARTMENT MAY PERMIT THE COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY. (Section 3-702(c) of the Act)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.4310 (continued)

- f) UPON RECEIPT OF A COMPLAINT, THE DEPARTMENT SHALL DETERMINE WHETHER THE ACT OR A RULE PROMULGATED UNDER THE ACT HAS BEEN OR IS BEING VIOLATED. THE DEPARTMENT SHALL INVESTIGATE ALL COMPLAINTS ALLEGING ABUSE OR NEGLECT WITHIN ~~7—~~ SEVEN DAYS AFTER THE RECEIPT OF THE COMPLAINT EXCEPT THE COMPLAINTS OF ABUSE OR NEGLECT WHICH INDICATE THAT A RESIDENT'S LIFE OR SAFETY IS IN IMMINENT DANGER SHALL BE INVESTIGATED WITH 24 HOURS AFTER RECEIPT OF THE COMPLAINT. ALL OTHER COMPLAINTS SHALL BE INVESTIGATED WITHIN 30 DAYS AFTER THE RECEIPT OF THE COMPLAINT. ALL COMPLAINTS SHALL BE CLASSIFIED AS "VALID" OR "INVALID". FOR ANY COMPLAINT CLASSIFIED AS "INVALID", THE DEPARTMENT MUST DETERMINE WITHIN 30 WORKING DAYS IF ANY RULE OR PROVISION OF THIS ACT HAS BEEN OR IS BEING VIOLATED. (Section 3-702(d) of the Act)
- g) UPON THE REQUEST OF A RESIDENT OR COMPLAINANT, THE DEPARTMENT MAY PERMIT THE RESIDENT OR COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY PURSUANT TO THE COMPLAINT. (Section 3-702(c) of the Act)
- h) IN ALL CASES, THE DEPARTMENT SHALL INFORM THE COMPLAINANT OF ITS FINDINGS WITHIN ~~10—~~ TEN DAYS OF ITS DETERMINATION UNLESS OTHERWISE INDICATED BY THE COMPLAINANT, AND THE COMPLAINANT MAY DIRECT THE DEPARTMENT TO SEND A COPY OF SUCH FINDINGS TO ANOTHER PERSON. THE DEPARTMENT'S FINDINGS MAY INCLUDE CONTENTS OR DOCUMENTATION PROVIDED BY EITHER THE COMPLAINANT OR THE LICENSEE PERTAINING TO THE COMPLAINT. THE DEPARTMENT SHALL ALSO NOTIFY THE FACILITY OF SUCH FINDINGS WITHIN ~~10—~~ TEN DAYS OF THE DETERMINATION, BUT THE NAME OF THE COMPLAINANT OR RESIDENTS SHALL NOT BE DISCLOSED IN THIS NOTICE TO THE FACILITY. THE NOTICE OF SUCH FINDINGS SHALL INCLUDE A COPY OF THE WRITTEN DETERMINATION; THE CORRECTION ORDER, IF ANY; THE INSPECTION REPORT; OR THE WARNING NOTICE, IF ANY; AND THE STATE LICENSEURE ON WHICH THE VIOLATION IS LISTED. (Section 3-702(e) of the Act)
- i) A WRITTEN DETERMINATION, CORRECTION ORDER, OR WARNING NOTICE CONCERNING A COMPLAINT SHALL BE AVAILABLE FOR PUBLIC INSPECTION, BUT THE NAME OF THE COMPLAINANT OR RESIDENT SHALL NOT BE DISCLOSED WITHOUT THE ~~THIS—~~ CONSENT OF THE COMPLAINANT OR RESIDENT. (Section 3-702(f) of the Act)
- j) A COMPLAINANT WHO IS DISSATISFIED WITH THE DETERMINATION OR INVESTIGATION BY THE DEPARTMENT MAY REQUEST A HEARING UNDER SUBSECTION (k) OF THIS SECTION ~~BELOW—~~. THE FACILITY SHALL BE GIVEN NOTICE OF ANY SUCH HEARING AND MAY PARTICIPATE IN THE HEARING AS A PARTY. IF A FACILITY REQUESTS A HEARING UNDER SUBSECTION (k) OF THIS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.4310(j) (continued)

SECTION ~~BELOW~~ WHICH CONCERNS A MATTER COVERED BY A COMPLAINT, THE COMPLAINANT SHALL BE GIVEN WRITTEN NOTICE AND MAY PARTICIPATE IN THE HEARING AS A PARTY. A REQUEST FOR A HEARING BY EITHER A COMPLAINANT OR A FACILITY SHALL BE SUBMITTED IN WRITING TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE MAILING OF THE DEPARTMENT'S FINDINGS AS DESCRIBED IN SUBSECTION (h) OF THIS SECTION ~~ABOVE~~. UPON RECEIPT OF THE REQUEST THE DEPARTMENT SHALL CONDUCT A HEARING AS PROVIDED UNDER SUBSECTION (k) OF THIS SECTION ~~BELOW~~. (Section 3-702(g) of the Act)

- k) Any person aggrieved by a decision of the Department ~~of a facility~~ rendered in a particular case which affects the legal rights, duties or privileges created under the ~~this~~ Act may have such decision reviewed in accordance with Sections 3-703 through ~~the~~ 3-712 of the Act.

- l) When the Department finds that a provision of Article II of the Act regarding residents' rights has been violated with regard to a particular resident, the Department shall issue an order requiring the facility to reimburse the resident for injuries incurred, or \$100, whichever is greater.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

Section 330.4320 Confidentiality

- a) THE DEPARTMENT, THE FACILITY AND ALL OTHER PUBLIC OR PRIVATE AGENCIES SHALL RESPECT THE CONFIDENTIALITY OF A RESIDENT'S RECORD AND SHALL NOT DIVULGE OR DISCLOSE THE CONTENTS OF A RECORD IN A MANNER WHICH IDENTIFIES A RESIDENT, EXCEPT UPON A RESIDENT'S DEATH TO A RELATIVE OR GUARDIAN, OR UNDER JUDICIAL PROCEEDINGS. THIS RULE SHALL NOT BE CONSTRUED TO LIMIT THE RIGHT OF A RESIDENT OR A RESIDENT'S REPRESENTATIVE TO INSPECT OR COPY THE RESIDENT'S RECORDS. (Section 2-206(a) of the Act)

- b) CONFIDENTIAL MEDICAL, SOCIAL, PERSONAL, OR FINANCIAL INFORMATION IDENTIFYING A RESIDENT SHALL NOT BE AVAILABLE FOR PUBLIC INSPECTION IN A MANNER WHICH IDENTIFIES A RESIDENT. (B, ~~G~~) (Section 2-206(b) of the Act)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.4330 Facility Implementation

- a) THE FACILITY SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES TO IMPLEMENT THE RESPONSIBILITIES AND RIGHTS PROVIDED IN ARTICLE II OF THE ACT. THE POLICIES SHALL INCLUDE THE PROCEDURE FOR THE INVESTIGATION AND RESOLUTION OF RESIDENT COMPLAINTS UNDER THE ACT. THE POLICIES SHALL BE CLEAR AND UNAMBIGUOUS AND SHALL BE AVAILABLE FOR INSPECTION BY ANY PERSON. A SUMMARY OF THE POLICIES AND PROCEDURES, PRINTED IN NOT LESS THAN 12 POINT TYPE, SHALL BE DISTRIBUTED TO EACH RESIDENT AND REPRESENTATIVE. ~~(G)~~ (Section 2-210 of the Act)

- b) The facility shall provide copies of these policies and procedures upon request to next of kin, sponsoring agencies, representative payees and the public. ~~(G)~~

- c) EACH RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY OF ALL THE RIGHTS ENUMERATED IN PART I OF ARTICLE II OF THE ACT AT THE TIME OF ADMISSION TO A FACILITY OR AS SOON THEREAFTER AS THE CONDITION OF THIS RESIDENT PERMITS. AT THE TIME OF IMPLEMENTATION OF THE ACT EACH RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY OF ALL THE RIGHTS ENUMERATED IN PART I OF ARTICLE II OF THE ACT. IF A RESIDENT IS UNABLE TO READ SUCH WRITTEN SUMMARY, IT SHALL BE READ TO THE RESIDENT IN A LANGUAGE THE RESIDENT UNDERSTANDS. IN THE CASE OF A MINOR OR A PERSON HAVING A GUARDIAN, BOTH THE RESIDENT AND THE PARENT OR GUARDIAN SHALL BE FULLY INFORMED OF THESE RIGHTS AND RESPONSIBILITIES. ~~(G)~~ (Section 2-211 of the Act)

- d) The resident, resident's representative, guardian, or parent of a minor resident shall acknowledge in writing the receipt from the facility of a copy of all resident rights set forth in Article II of the Act and a copy of all facility policies implementing such rights. ~~(G)~~

- e) THE FACILITY SHALL ENSURE THAT ITS STAFF IS FAMILIAR WITH AND OBSERVES THE RIGHTS AND RESPONSIBILITIES ENUMERATED IN THE ACT AND THIS PART ~~THESE RULES~~. (B, ~~G~~) (Section 2-211 of the Act)

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

SUBPART R: DAY CARE PROGRAMS

Section 330.4510 Day Care in Long-Term Care Facilities

- a) For a licensed long-term care facility to be approved for a day care program, it is necessary that the facility meet all licensing

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.4510(a) (continued)

requirements for its level of care.

b) In addition, the following criteria must also be met.

- 1) Staff: Sufficient and satisfactory personnel shall be on duty to provide services that meet the total needs of the day care residents, without detracting from the services given to the residents in the facility in accordance with the various staffing requirements of this Part.

2) Space:

- A) Dining - Adequate space and equipment available to accommodate the additional residents in accordance with Subparts I and K and Section 330.2870 and 330.3030 of this Part.
- B) Activity Area - Large enough area to accommodate capacity of facility, plus additional "Day Care" residents.
- C) Rest Area - A definite area should be designated as an area available for the Day Care resident to nap or rest. This area should be equipped with beds (roll-aways can be used) or cots and portable screens. There should also be adequate space available for personal items storage for the number of Day Care residents being cared for. Suggested areas which can be utilized for the Day Care resident could include:

- i) Facilities having more than one communal area (such as a lounge or sunporch—~~etc.~~) could designate one of these for rest areas;
- ii) Non-occupied rooms (no one assigned to these rooms);
- iii) Toilets - Adequate number to accommodate extra number of residents in accordance with Sections 330.2860 or 330.3070 of this Part.

3) Records:

- A) A statement by a physician who has evaluated the resident within the last 30 days stating the resident is free of communicable and infectious disease, and indicating any medication ~~and/or~~ or treatments and diet needed by the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.4510(b)(3)(A) (continued)

resident during the period of time in the facility. Permission should also be granted in this statement for the resident to participate in activities with any contraindications or limitations.

- B) Medication and Treatment record - Required for any medications or treatments given during resident stay in the facility. (Medications must be in original containers and properly labeled.)
 - C) "Face" sheet or admission sheet - Containing all pertinent information necessary for the "safe keeping" of the resident such as complete name; address, telephone number, social security number, medicare number, and age of resident; name, business, and home address, and telephone number of person to notify in an emergency; name of family physician; name of physician to call in an emergency.
 - D) Incident Report - in case of medication error or accident of any kind.
- 4) There must be written policies covering "Day Care" Service in the facility which explain implementation of this section.
 - 5) Permission for a Day Care Program requires identifying the services of the facility that will be used in the program. Examples: Activity area, dining area, administering of medications by nursing staff, physical therapy, speech, and social services—~~etc.~~
 - 6) The maximum number of "Day Care" residents served shall be reported with the application under Section 330.610 of this Part.
 - 7) The facility should consider the following in developing and providing "Day Care Programs":
 - A) Use of house or advisory physician for emergencies;
 - B) Insurance coverage;
 - C) Signed agreement with family or responsible individual;
 - D) Permission to be involved in activities outside of the facility (in the community);

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.4510(b)(7) (continued)

- E) Attendance record; and
F) Facility should be aware of method and time of pick-up and delivery of the Day Care residents.

(Source: Amended at 13 Ill. Reg. 6562, effective April 17, 1989)

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Program Description
- 2) Code Citation: 89 Ill. Adm. Code 675
- 3) Section Numbers: 675.300 Adopted Action:
amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, par. 3434(g)).
- 5) Effective Date of Rule(s) (Amendments, Repealer): April 14, 1989
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 3, 1989
- 9) Notice of Proposal Published in Illinois Register:
September 2, 1988, 12 Ill. Reg. 13956
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
 - A) Statement of Objection: (issue date), Ill. Reg. _____
 - B) Agency Response: (issue date), Ill. Reg. _____
 - C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: Pursuant to agreements with the Administrative Code Division and staff of the Joint Committee on Administrative Rules, the following changes have been made:
 1. In Section 675.300(a), the numbered phrases were indented.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

2. In Section 675.300(b)(2)(A), the title of the Act was corrected to the Alzheimer's Disease Assistance Act.
3. Examples of specific tasks of independent living were added in Section 675.300(g)(1).
4. "89 Ill. Adm. Code: Chapter IV, Subchapter b" was added to Sections 675.300(g)(2)(B) and 675.300(h)(1)(B) to clarify the program being referenced.
5. A cross-reference, "(see 89 Ill. Adm. Code 685.600(a))", was added to Section 675.300(g)(3)(C) and Section 675.300(g)(4)(C).
6. In Section 675.300(g)(3)(G), "becomes long term" was deleted and replaced by "exceeds one year".
7. Examples of "other public service and governmental resources" were added to Section 675.300(g)(4)(B) and 675.300(g)(3)(B).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

15) Summary and Purpose of Rule(s): This rulemaking establishes the criteria the Department follows when approving the rental and repair of assistive equipment. The amount of purchase requiring three prospective vendors has been raised from \$300 to \$500. Other changes have been made for clarification.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 675
 PROGRAM DESCRIPTION

Section
 675.100 Purpose and Scope
 675.200 Definitions
 675.300 Service Descriptions

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8918, effective July 18, 1984; amended at 9 Ill. Reg. 8173, effective June 1, 1985; amended at 11 Ill. Reg. 7746, effective April 8, 1987; amended at 12 Ill. Reg. 7712, effective April 19, 1988; amended at 12 Ill. Reg. 18240, effective October 27, 1988; amended at 13 Ill. Reg. 6768, effective April 14, 1989.

Section 675.300 Service Descriptions

a) Personal Care Attendant (PCA) Services - Under the supervision of the client, or other person who has agreed to provide such supervision, the PCA may:

- 1) perform, or assist the client with, household tasks and personal care;
- 2) perform incidental health care tasks which do not require independent judgement, with permission of the client's physician, client or family; and/or
- 3) perform minimal tasks, such as turning a client in bed during the night, or getting the client a glass of water, but primarily involves being available to provide assistance in case of a life or health threatening emergency, such as evacuation in case of fire, moving the client to a safe location in case of tornado, or calling an ambulance if required by a medical emergency.

b) Adult Day Care Service

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Adult Day Care service is the direct care and supervision of clients in a community-based setting for any portion of a 24-hour day for the purpose of providing personal attention, promoting social, physical and emotional well being, and offering an alternative to institutional care.

2) This service will be available to clients within the following pilot projects designated by DORS:

A) Pilots for clients who have Alzheimer's Disease or related disorders, as defined Section 3(a) of the Alzheimer's Disease Assistance Act in Ill. Rev. Stat. 1985, ch. 111 1/2, par. 6953(a).

B) Pilots for clients with disabilities.

3) The service shall be provided only under the following conditions:

A) Adult Day Care services will be purchased only where the social, physical or emotional needs of the client cannot be met in the home environment by other services available through the Home Services Program.

B) The maximum daily rate for Adult Day Care services shall not exceed the rate established by the Department on Aging for said services. This rate includes meals, snacks, and in some centers transportation provided by the provider.

C) The service cost maximum (the "Service Cost Limitation" of Section 89 Ill. Adm. Code 685.600(a)) for each client shall not be exceeded when Adult Day Care services are purchased in addition to other Home Services purchased by DORS.

c) Homemaker - General support may be provided by trained and professionally supervised homemakers to maintain, strengthen, and safeguard the functioning of individuals in their own homes when no responsible and capable person is available for this purpose. Such support includes teaching of and assistance with household management and self-care.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

d) Maintenance Home Health Services - These services may be purchased for individuals at home or other non-institutional residence according to a plan of treatment for illness or infirmity prescribed or recommended by a physician or other health care professional. Maintenance Home Health Services include three basic subcategories of care: nursing care including that provided by registered and licensed practical nurses who provide direct acute health care and who also supervise the services of home health aides; therapy including the services of physical, occupational, and speech therapists; and home health aide care which includes a wide range of personal convalescent and maintenance health care tasks performed by home health aides under the supervision of nurses.

e) Home-Delivered Meals - Prepared food brought to a client's residence during the lunch hour, consisting of a heated luncheon meal and a smaller dinner meal which can be refrigerated and eaten later, or other plan which meets the needs of the client. This service is designed primarily for clients who are unable to prepare their own meals but who are able to feed themselves.

f) Electronic Home Response Services (EHRS).

1) The EHRS is designed to provide a 24 hour per day emergency communication link to assistance outside the home for individuals so severely disabled that they are incapable of using conventional or modified communication devices such as the telephone, and who have no other persons available in the home should an emergency arise. EHRS provides a mode by which persons with disabilities who are left alone may signal an Electronic Home Response Center and obtain help. An Electronic Home Response Center is part of a network of emergency responders.

2) This service shall be purchased only under the following conditions:

A) EHRS will be purchased only for individuals the HSP counselor determines are able to follow instructions and who can operate the communication system. The counselor's

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

determination is based upon observation or information from the client, providers, family or medical personnel.

B) EHRS will be purchased only to provide services in case of emergency where the client would, without the provision of EHRS, be unable to be left alone. EHRS is also purchased to replace personal care attendant services which require no active direct or indirect client care.

C) The EHRS monthly service fee will be less than that of the provider services which would otherwise be necessary if EHRS were not purchased. The service fee will not exceed \$40.00 in any case and the one-time installation cost will not exceed \$45.00 for vendor services plus any itemized charges by local telephone company necessary for installation.

D) DORS will rent or lease rather than purchase the devices necessary for this service.

E) The service cost maximum for each client shall not be exceeded when EHRS (monthly rate plus installation cost) is purchased in addition to other Home Services purchased by HSP funds. If necessary, to remain within the service cost maximum, the one-time installation cost can be amortized over a 3 month period.

g) Assistive Equipment

1) Assistive Equipment is tangible personal property with a useful life of at least one year, expressly designed and used for increasing independent functioning in specific tasks or activities of independent living in the home (e.g., bathing, meal preparation) that directly results in a demonstrated decrease in need for assistance from another individual in performing those tasks or activities (e.g., purchase of bath rails could decrease need for assistance for an individual to assist the client with bathing, or purchase of a microwave could reduce the need for an individual to cook for the client).

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) DORS shall approve the purchase of any equipment such as bath rails and walkers with HSP funds under the following circumstances:
- 4) A) The purchase must be necessary to prevent institutionalization and to maintain the client in the home.
- 2) B) All other public service and governmental resources including DORS' Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) must be investigated and appropriate applications made and denied in writing before HSP dollars are used, (as documented in the counselor's case notes). The responsibility to make investigation and assist the client with application belongs to the counselor.
- 3) C) The If necessary, the purchase price when can be amortized monthly over a 12 month period and when added to other monthly service costs must not exceed to remain within the service cost maximum.
- 4) D) The purchase must reduce the need for an existing HSP service, or prevent an increase in services to meet increased needs, or allow the complete discontinuance of HSP services.
- 5) E) Purchases over \$300 \$500 require the client to select three prospective vendors. The vendors will be requested by DORS to submit estimates, based upon the purchase specifications provided by DORS.
- 6) F) There must be a prescription or recommendation from a physician, psychiatrist, or physical therapist for the purchased equipment.
- 3) DORS shall approve the rental of assistive equipment under the following circumstances:
- A) The rental and use must be necessary to prevent institutionalization and to maintain the client in the home.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- B) All other public service and governmental resources (e.g., Easter Seals, Department of Public Aid, University of Illinois Division of Services for Crippled Children) including DORS' Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) must be investigated and appropriate applications made and denied in writing before HSP dollars are used, (as documented in the counselor's case notes). The responsibility to make investigation and assist the client with application belongs to the counselor.
- C) The monthly rental price of the equipment, when added to other monthly service costs must not exceed the service cost maximum (see Ill. Adm. Code 685.600(a)).
- D) The rental must prevent an increase in existing HSP services to meet increased needs or allow the complete discontinuance of HSP services.
- E) There must be a prescription or recommendation from a physician, psychiatrist, or physical therapist for the rented equipment.
- F) The rental of equipment shall not exceed a 12 month period. The accumulative 12 month rental cost cannot exceed the purchase cost of the equipment.
- G) The cumulative rental price will be applicable to the purchase price if the client's need for the equipment exceeds one year.
- H) Repair and replacement of rental equipment is the responsibility of the vendor.
- 4) DORS shall approve the repair of assistive equipment under the following circumstances:
- A) The repair and use of the assistive equipment must be necessary to prevent institutionalization and to maintain the client in the home.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

B) All other public service and governmental resources (e.g., Easter Seals, Department of Public Aid, University of Illinois Division of Services for Crippled Children) including DORS' Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) must be investigated and appropriate applications made and denied in writing before HSP dollars are used, (as documented in the counselor's case notes).

C) If necessary, the repair cost can be amortized over a 12 month period to remain within the service cost maximum (see 89 Ill. Adm. Code 685.600(a)).

D) The repair must prevent an increase in existing HSP services to meet increased needs.

E) The price for repair must be cost effective considering both replacement cost and the anticipated replacement date of the equipment.

h) Remodeling is modification of a home environment to enable HSP clients to be less dependent on direct assistance from others, to help compensate for their loss of agility, strength, mobility, sensation, and to increase their safety or mobility in the home.

1) The following criteria must be met to use HSP funds for remodeling:

A) The purchase must be necessary to prevent institutionalization and to maintain the client in the home.

B) All other public service and governmental resources including DORS' Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) must be investigated and appropriate applications made and denied in writing before HSP dollars are used, (as documented in the counselor's case notes). The responsibility to make investigation and assist the client with application belongs to the counselor.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

C) The If necessary, the purchase price, when can be amortized monthly over a 12 month period and when added to other monthly service costs, must not exceed to remain within the service cost maximum.

D) The purchase must be part of or attached to the client's home. (Section 675.200).

E) For purchases which cannot be detached after installation the client must either own the residence or must have permission of a landlord if renting or leasing. Counselors shall deny purchases of remodeling whenever the client's history as a tenant, the landlord's past practices, or other circumstances indicate that it is more likely than not that the client will move from the residence before the end of the period specified in subsection (C) above. In making this decision, counselors shall consider whether there is in existence a 12-month lease or whether, in the absence of a lease, the client has resided at least two years at the residence to be remodeled.

F) The purchase must reduce the need for an existing HSP service, prevent an increase in service, or allow the complete discontinuance of HSP services.

2) Purchases over \$300 \$500 are subject to the same provisions as contained in subsection (g)(5)(1)(E).

i) Home services to ventilator dependent clients with special needs

1) Ventilator dependent clients with special needs are:

A) those individuals in a hospital who meet the criteria for a Department of Public Aid (DPA) special negotiated rate (89 Ill. Adm. Code 140.569); or

B) those individuals in a nursing home who have a DPA special negotiated rate; and

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED REPEALER

- C) whose costs of care in their own homes would exceed the service cost maximum.
- 2) Home services shall not be provided to ventilator dependent clients with special needs when the cost for this service is more than the special negotiated rate established by DPA.

(Source: Amended at 13 Ill. Reg. 6768,
effective April 14, 1989)

- 1) Heading of the Part: Alcoholic Liquor -- Hearings
- 2) Code Citation: 86 Ill. Adm. Code 425
- 3) Section Numbers: Adopted Action:
425.10 Repealer
425.20 Repealer
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 43, par. 165
- 5) Effective Date of Repealer: April 12, 1989
- 6) Does this rulemaking contain an automatic repeal date? Yes X No
- 7) Does this repealer contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 12, 1989
- 9) Notice of Proposal Published in Illinois Register:
December 2, 1988, 12 Ill. Reg. 19976
(issue date)
- 10) Has JCARE issued a Statement of Objections to this Repealer?: No
- 11) Differences between proposal and final version: No difference between proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: This Part is being repealed because it is limited to Alcoholic Liquor Hearings and the Department is currently promulgating Rules that encompass all administrative hearings held by the Department.
- 16) Information and questions regarding this adopted repealer shall be directed to:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED REPEALER

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Board of Appeals
- 2) Code Citation: 86 Ill. Adm. Code 210
- 3) Section Numbers: 210.135
Adopted Action:
New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127, pars. 39b20 and 39c
- 5) Effective Date of Amendment(s): April 12, 1989
- 6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 12, 1989
- 9) Notice of Proposal Published in Illinois Register:
July 1, 1988, 12 Ill. Reg. 11060
(issue date)
- 10) Has JCAR issued a Statement of Objections to these Amendments?: No
- 11) Differences between proposal and final version:
 1. Rewrote Authority Note to read as follows:
"AUTHORITY: Implementing and authorized by Section 39b20 and 39c of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 39b20 and 39c)."
 2. Rewrote Main Source Note to Read as follows:
"SOURCE: Adopted at 5 Ill. Reg. 5348, effective April 30, 1981; codified at 6 Ill. Reg. 801; amended at Ill. Reg. _____, effective _____."
 3. In the statutory language note following the main source note, changed language to read as follows: "Capitalization denotes statutory language."
 4. In subsection (b), "Article III of The Code of Civil Procedure" was changed to its correct short title which is the Administrative Review Law. A statutory citation to this Law was also added: (Ill. Rev. Stat. 1987, ch. 110, par. 3-101 et seq.)
 5. The term "Rules was deleted from the heading of this Part.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

This amendment describes the finality of a decision made by the Board of Appeals.

16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 210
BOARD OF APPEALS RULES

Section	Filing of Written Petition
210.101	Hearings
210.105	Recommendations
210.110	Offers in Compromise
210.115	Waiver of Penalty and Interest
210.120	Denial by Lapse of Time
210.125	Departmental Controversies
210.130	Decisions of the Board
210.135	

AUTHORITY: Implementing and authorized by Section 39b20 and 39c of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 39b20 and 39c).

SOURCE: Adopted at 5 Ill. Reg. 5348, effective April 30, 1981; codified at 6 Ill. Reg. 801, effective January 5, 1982; amended at 13 Ill. Reg. 6782, effective April 12, 1989.

Section 210.135 Decisions of the Board

a) Decisions of the Board shall not take effect unless and until approved by the director. In giving such approval, the Director shall consider whether the petition was timely filed and whether the grounds stated by the taxpayer justify such relief as may have been recommended by the Board.

b) Decisions made by the Board and approved by the Director are not subject to the provisions of the Administrative Review law (Ill. Rev. Stat. 1987, ch. 110, par. 3-101 et seq.)

(Source: Added at 13 Ill. Reg. 6782, effective April 12, 1989)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Cigarette Tax Act -- Hearings

2) Code Citation: 86 Ill. Adm. Code 445

3) Section Numbers:

445.10

445.20

445.30

Adopted Action:

Repealer

Repealer

Repealer

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, par. 453.8

5) Effective Date of Repealer: April 12, 1989

6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

7) Does this repealer contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 12, 1989

9) Notice of Proposal Published in Illinois Register:

December 2, 1988, 12 Ill. Reg. 19981
(issue date)

10) Has JCAR issued a Statement of Objections to this Repealer?: No

11) Differences between proposal and final version: No differences between proposal and final version.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any repealers pending on this Part? No

15) Summary and Purpose of Rule(s): This Part is being repealed because it is limited to procedures for Cigarette Tax Hearings and the Department is currently promulgating Rules that encompass all administrative hearings held by the Department.

16) Information and questions regarding this adopted repealer shall be directed to:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED REPEALER

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

- 1) Heading of the Part: Cigarette Use Tax Act -- Hearings
- 2) Code Citation: 86 Ill. Adm. Code 455
- 3) Section Numbers:
455.10
455.20
455.30
- Adopted Action:
Repealer
Repealer
Repealer
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, par. 453.51
- 5) Effective Date of Repeal: April 12, 1989
- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 7) Does this repealer contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 12, 1989
- 9) Notice of Proposal Published in Illinois Register:
December 2, 1988, 12 Ill. Reg. 19987
(issue date)
- 10) Has JCAR issued a Statement of Objections to this Repealer?: No
- 11) Differences between proposal and final version: No differences between proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: This Part is being repealed because it is limited to procedures for Cigarette Use Tax Hearings and the Department is currently promulgating Rules that encompass all administrative hearings held by the Department.
- 16) Information and questions regarding this adopted repealer shall be directed to:

NOTICE OF ADOPTED REPEALER

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED RULES

1) Heading of the Part: Practice and Procedure for Hearings Before the Illinois Department of Revenue

2) Code Citation: 86 Ill. Adm. Code 200

3) Section Numbers:

200.101 New Section
200.105 New Section
200.110 New Section
200.115 New Section
200.120 New Section
200.125 New Section
200.130 New Section
200.135 New Section
200.140 New Section
200.145 New Section
200.150 New Section
200.155 New Section
200.160 New Section
200.165 New Section
200.170 New Section
200.175 New Section

Adopted Action:

New Section
New Section
New Section
New Section
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New Section

4) Statutory Authority: Implementing Sections 8, 9, 10 and 12 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 447, 448, 449 and 451) and Sections 908, 909, 910, 914, 915, 916 and 918 of the Illinois Income Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 9-908, 9-909, 9-910, 9-914, 9-915, 9-916 and 9-918) and Sections 17, 18, 19, 21 and 25 of the Cigarette Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 453.46, 453.47, 453.48, 453.51 and 453.55) and Sections 7, 8, 9a, 9b, 10 and 10a of the Cigarette Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 453.7, 453.8, 453.9a, 453.9b, 453.10 and 453.10a) and Sections 8-5, 8-6, 8-7 and 8-8 of the Liquor Control Act of 1934 (Ill. Rev. Stat. 1987, ch. 43, pars. 163a et seq.) and authorized by Section 12 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 451) and Section 1401 of the Illinois Income Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 14-1401) and Section 21 of the Cigarette Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 453.51) and Section 8 of the Cigarette Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 453.8) and Section 8-13 of the Liquor Control Act of 1934 (Ill. Rev. Stat. 1987, ch. 43, par. 165) and Public Act 85-1214 (effective August 30, 1988).

5) Effective Date of Rule(s): April 12, 1989

6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

7) Does this rule contain incorporations by reference? No

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED RULES

9) Notice of Proposal Published in Illinois Register:

December 2, 1988, 12 Ill. Reg. 19993
(issue date)

10) Has JCAR issued a Statement of Objections to these Rule(s)? No

11) Differences between proposal and final version:

At the request of Administrative Code Division, the following changes were made:

1. Corrected Main Source Note to read as follows:

"Part repealed, New Part adopted at 13 Ill. Reg. _____, effective _____."

2. In Section 200.101(a), changed "in the preceding Section labeled AUTHORITY." to "in the authority note."

3. In Section 200.105, removed labels from two definitions.

4. In Section 200.145(b), added statutory citation to a Supreme Court Rule.

5. In Section 200.155(a), removed an unnecessary statutory citation in Section 12 of the Illinois Administrative Procedure Act.

6. In Section 200.160(b), deleted "immediately above" from lines 4 and 5 and added "of this Section" for specificity.

7. In Section 200.165, changed reference and citation to state "of Sections 14-21 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1014-1021)."

8. In Section 200.175(a), added a statutory citation to the Sections of the Retailers' Occupation Tax Act referenced. In subsection (b), added a statutory citation to the Sections of the Illinois Income Tax Act referenced.

9. The statutory citation to Section 14 of the Illinois Administrative Procedure Act was deleted since this Section was included in another citation earlier in this Part.

At the Request of JCAR, the following changes were made:

1. Cited Public Act 85-1214 as its statutory authority for this rulemaking.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

2. In Section 200.140 replaced "materials" in the last line of text of its first paragraph with "matters".
3. In Section 200.165, placed closing period at the end of its statutory citation.
4. Provided the exact text of the statutory citation added to Section 200.145(b).
5. Provided the exact text of the statutory citation added to Sections 200.175(a) and 200.175(b).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s):

Standardization of administrative hearing procedures for the Department of Revenue.

- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Rule(s) begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 200

PRACTICE AND PROCEDURE FOR HEARINGS BEFORE
THE ILLINOIS DEPARTMENT OF REVENUE

- | | |
|---------|--|
| Section | Scope and Construction |
| 200.101 | Definitions |
| 200.105 | Appearances |
| 200.110 | Notice |
| 200.115 | Request For and Setting of Hearing; Sufficient Protest |
| 200.120 | Discovery |
| 200.125 | Remedies |
| 200.130 | Informal Review |
| 200.135 | Prehearing Conference |
| 200.140 | Attendance of Witnesses |
| 200.145 | Stipulations |
| 200.150 | Evidence and Conduct of Hearings |
| 200.155 | Continuances |
| 200.160 | Decision of Administrative Law Judge |
| 200.165 | Notice of Final Decision |
| 200.170 | Rehearings |
| 200.175 | |

AUTHORITY: Implementing Sections 8, 9, 10 and 12 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 447, 448, 449 and 451) and Sections 908, 909, 910, 914, 915, 916 and 918 of the Illinois Income Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 9-908, 9-909, 9-910, 9-914, 9-915, 9-916 and 9-918) and Sections 17, 18, 19, 21 and 25 of the Cigarette Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 453.46, 453.47, 453.48, 453.51 and 453.55) and Sections 7, 8, 9a, 9b, 10 and 10a of the Cigarette Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 453.7, 453.8, 453.9a, 453.9b, 453.10 and 453.10a) and Sections 8-5, 8-6, 8-7 and 8-8 of the Liquor Control Act of 1934 (Ill. Rev. Stat. 1987, ch. 43, pars. 163a et seq.) and authorized by Section 12 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 451) and Section 1401 of the Illinois Income Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 453.51) and Section 8 of the Cigarette Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 453.8) and Section 8 of the Cigarette Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 453.8) and Section 8-13 of the Liquor Control Act of 1934 (Ill. Rev. Stat. 1987, ch. 43, par. 165) and Public Act 85-1214 (effective August 30, 1988).

SOURCE: Part repealed, new Part adopted at 13 Ill. Reg. 6789, effective April 12, 1989.

Section 200.101 Scope and Construction

- a) Scope. This Part governs the practice and procedure in all contested

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

cases in the Hearing Sections of the Legal Services Bureau of the Illinois Department of Revenue (Department), including but not limited to statutory references cited in the authority note.

- b) General. In the course of administering and enforcing the provisions of the Illinois Tax Laws, the Director of Revenue on behalf of the Department, or any other Department officer or employee authorized and designated in writing by the Director, may conduct investigations and hold hearings on matters covered by such laws and, in connection therewith, may examine books, papers, records or memoranda, may require the attendance of any person or of any officer or employee of such person, may take testimony and require the furnishing of evidence and information. A designated Administrative Law Judge, who is empowered under this Section to administer oaths, shall preside over the hearing (including any rehearings).

Section 200.105 Definitions

The following meanings are to be given the terms used in this Part:

Administrative Law Judge. An attorney admitted to practice law by, and in good standing before the Illinois Supreme Court who is an employee of the Illinois Department of Revenue and who is duly authorized and designated in writing by the Director of the Illinois Department of Revenue to convene and conduct hearings on matters under the jurisdiction of the Department. The term "Administrative Law Judge" includes the term "Hearing Officer" in all instances in which that term appears in regulations promulgated by the Department of Revenue.

Staff Attorney. An attorney admitted to practice law by and in good standing before the Illinois Supreme Court, who is duly authorized and designated in writing by the Director of the Illinois Department of Revenue to present the Department's case and otherwise represent the Department in hearings and prehearing conferences on all matters covered by the relevant tax Act.

Section 200.110 Appearances

- a) At hearings before the Department, a party to the proceeding may represent himself or he may be represented at the hearing by any person who is admitted to practice as an attorney at law by the Supreme Court of Illinois, or who is permitted to practice law in Illinois by rules of comity. A corporation may be represented by an officer, or other authorized employee, in any hearing wherein the contested tax liability does not exceed \$1,500 exclusive of penalties and interest.
- b) Accountants and others not qualified to practice law in this State may not appear at hearings in a representative capacity, but such persons may testify at hearings before the Department, and may assist counsel

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

in the preparation of cases for presentation to the Administrative Law Judge at hearings.

- c) No person shall be allowed to appear in any matter in a representative capacity without first filing an appearance and Power of Attorney in a form provided by the Department. Such appearance and Power of Attorney as may be filed, shall be effective only for the particular matters having been protested unless otherwise consolidated with other proceedings by order of the Administrative Law Judge.

Section 200.115 Notice

In the absence of an agreement by the parties as to a time and place for a hearing/prehearing conference, notice of the time and place fixed for any hearing or prehearing conference shall be given to the person or persons concerned not less than 20 days prior to the day fixed for the hearing. Personal service of the notice or notice given by United States registered or certified mail, addressed to the person concerned at his last known address and to his representative is sufficient. The time limitation for notice as affixed hereinabove for general hearings shall not apply to revocation matters, wherein 10 days shall constitute minimum notice for hearings.

Section 200.120 Request For and Setting of Hearing; Sufficient Protest

- a) Any hearing is to be initiated, with the filing of a protest, by the taxpayer or a claimant after issuance by the Department of a notice of deficiency (Income Tax), notice of tax liability or notice of penalty liability (Sales and Excise Taxes), or a tentative notice of claim denial, or an adverse ruling relating to tax exemption status, licensure, or any other contested case under the jurisdiction of the Department.
- b) In matters relating to income taxes, failure to object in the protest to any particular adjustment or issue pertinent to a proposed assessment, or to such an item claimed but denied, shall be deemed a waiver or concession thereof. In the event that the Department considers a protest to a notice of deficiency or a notice of tentative claim denial relating to income taxes to be insufficient as a basis for a hearing (or rehearing), the taxpayer or claimant, or his representative, shall have 30 days after the mailing of written notice thereof by registered or certified mail to file (or to arrange to file if there is adequate reason for any extension) a sufficient protest. In determining whether there is adequate reason for an extension, the Administrative Law Judge shall consider such factors as, but not limited to, the volume of protests filed; the nature and complexity of legal issues raised; the unavailability of a party's legal representative, and the number of previous requests for extension. In the event a sufficient protest is not filed within said 30 day period a Notice of Decision shall be issued upholding the liability or denial of claim. In order to be deemed a sufficient protest, in addition to referring by date and taxpayer's identification number to the notice

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

of deficiency or tentative notice of claim denial and taxable year(s) involved, the protest must set forth a specific objection to each proposed adjustment item with which the taxpayer disagrees and each item objected to must be supported by a succinct statement of facts relied upon with any supporting schedules, evidence, or information. The taxpayer under the penalty of perjury is required to declare that he has examined the protest and that to his best knowledge and belief the facts stated are true, correct, and complete. However, in lieu of certification by the taxpayer, the taxpayer's representative may so certify if he indicates that he has prepared the statement and other materials.

Section 200.125 Discovery

Discovery in matters pending before a Hearing Section of the Illinois Department of Revenue shall be limited to the following, unless otherwise provided by law:

- a) Production of Documents. Any party may, by written request, direct any other party to produce for inspection, copying, reproduction or photographing any specified documents, or to disclose information calculated to lead to the discovery of the whereabouts of any of these items, whenever the nature, contents, or condition of such documents is relevant to the subject matter and not privileged. The request shall specify a reasonable time, which shall not be less than 28 days, within which the related actions are to be performed and the place and manner of making the inspection and performing the related acts. The production, inspection, copying or photographing of any departmental records shall be limited to that done on department premises, unless other arrangements can be made with the consent of both parties. One copy of the request shall be filed with the Administrative Law Judge with the proof of service on all other persons entitled to notice. A person served with the written request shall:
 - 1) Comply with the request within the time specified, or
 - 2) Serve upon the person so requesting, written objections on the ground that the request is improper in whole or in part and state the reasons therefor. Any objection to the request or refusal to respond shall be heard by the Administrative Law Judge upon prompt notice and motion of the party submitting the request in accordance with Section 12 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1012).
 - 3) Upon request, furnish an affidavit stating whether the production is complete in accordance with the request.
- b) Request for Admissions. A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request and a written request for admission of the genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.
- 1) Response to Request. Each of the matters concerning admission of

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

fact or the genuineness of each document for which admission of fact is requested shall be admitted unless, within 28 days after service of the request or such additional time as may be granted by the Administrative Law Judge, the person to whom the request is directed serves upon the requesting party either:

- A) A sworn statement denying specifically the matter of which admission of fact is requested, or setting forth, in detail, the reason why he cannot truthfully admit or deny those matters. A denial shall fairly meet the substance of the requested admission. If good faith requires that a party qualify his answer or deny only a part of an admission of fact, he shall specify so much of it as is true and deny or qualify the remainder. An answering person may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiries and that the information known or regularly obtainable by him is insufficient to enable him to admit or deny said fact; or
- B) A written objection on the ground that some or all of the requested admissions of fact are privileged or irrelevant. A party who considers that a matter, as to which an admission has been requested, presents a genuine issue for the hearing may not, on that ground alone, object to the request. An objection on the grounds of relevance may be noted by any party but it is not to be regarded as just cause for refusal to admit or deny. If written objections to a request are made, the remainder of the request shall be answered within the period designated in the request. Any objection to a request or to an answer shall be heard by the Administrative Law Judge upon prompt notice and motion by the party making the request.
- 2) Effect of Admission. Any admission made by a party to a request under this rule is for the purpose of the pending action only. It does not constitute an admission by him for any other civil proceedings and may not be used against him in any other proceeding.
- c) Interrogatories: Any party may serve interrogatories in the same manner and with the same limitations as imposed by Supreme Court Rule.
- d) Depositions: Any party may serve notice and take the deposition(s) of another person as may be permitted by Supreme Court Rule.

Section 200.130 Remedies

If a party, officer, director or managing agent of a party fails to admit or deny any fact or admit or deny the genuineness of any document, or otherwise fails to comply with a reasonable discovery request after being ordered to do so by the Administrative Law Judge, said judge may make such further orders as to the failure as are just, and among others the following:

- a) An order that the matters regarding which the order was made or any

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

other designated facts shall be taken as true and established for the purposes of the case in accordance with the claim of the party obtaining the order;

- b) an order refusing to allow the disobedient party to support or oppose designated defenses, or prohibiting him from introducing designated matters or documents in evidence;
- c) an order staying further proceedings until the order is obeyed or rendering a judgment by default against the disobedient party.
- d) In ordering sanctions, the Administrative Law Judge shall consider the following factors, including but not limited to:

- 1) The diligence of the person making the request;
- 2) The burden of compliance on the party subject to the request;
- 3) The reasonableness of the failure to admit;
- 4) Circumstances which may prevent compliance.

Section 200.135 Informal Review

The Department may designate an impartial employee, who has authority and knowledge to recommend an appropriate conclusion of the matter involving an assessment liability prior to hearing, to review adjustments recommended by examiners and auditors. The Department shall conduct such a review process if requested by the taxpayer or his representative within 30 days after the filing of a timely protest. A request for an informal review shall include a list of all supportive documentation to be presented at the review conference. A taxpayer may be represented by a nonattorney during this review process. The designated employee shall not be the staff attorney authorized to represent the Department at the hearing.

Section 200.140 Prehearing Conference

In all cases pending before any Hearing Section of the Department, the Administrative Law Judge may hold a prehearing conference. The object of the prehearing conference is to clarify, isolate and dispose of problems concerning testimony and evidence to be presented at the hearing. At the conference, counsel familiar with the case and authorized to act shall appear to consider matters including, but not limited to:

- a) Simplification of the issues and organizing the hearing;
- b) the possibility of obtaining stipulations, admissions of fact and of documents which will avoid unnecessary proof;
- c) limitation of the number of witnesses;
- d) any other matters which may aid in the disposition of the matter;
- e) set a discovery cut-off date, and
- f) set a hearing date.

- g) When setting matters for hearing, the respective parties shall, to the extent possible, estimate the length of time necessary for the presentation of testimony and submission of evidence as the case may require. Upon such estimate, the Administrative Law Judge shall schedule hearing of the matter to take place on consecutive working days and proceed in like manner until the hearing is concluded. If,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

at the expiration of the allotted schedule, further proceedings are still deemed necessary for the purpose of completing evidence, and no time is available on an immediately succeeding day, the case shall be set over to and reconvened on the earliest available day(s) for conclusion.

- h) A prehearing conference shall be an informal proceeding conducted expeditiously by the Administrative Law Judge. Agreements or determinations on the simplification of issues, uncontested facts, admissibility of evidence or other matters pertaining to the conduct and scope of the hearing shall be entered on the record by a written order of the Administrative Law Judge.

Section 200.145 Attendance of Witnesses

- a) An Administrative Law Judge, at his own instance, or on the written request of a taxpayer who is a party to the proceedings or the staff attorney may issue subpoenas requiring the attendance of witnesses and the giving of testimony and may issue subpoenas requiring the production of books, papers, records or memoranda.

- b) Such subpoena shall be issued and enforced in accordance with the applicable provisions of the Act under which the hearing is authorized. A taxpayer or his legal representative may require the attendance of a relevant witness who is a departmental employee by the issuance of a notice to appear in the same manner as provided by Supreme Court Rule 237 (Ill. Rev. Stat. 1987, ch. 110A, par. 237).

Section 200.150 Stipulations

- a) The parties are required to stipulate to the fullest extent to which complete or qualified agreement can or fairly should be reached on all matters not privileged which are relevant to the pending case, regardless of whether such matters involve fact or opinion or the application of law or fact. Included in matters required to be stipulated to are all facts, all documents, public records and papers or contents or aspects thereof, and all evidence which is not in dispute. Where the truth or authenticity of facts, records or evidence claimed to be relevant by one party is not disputed, an objection on the ground of materiality or relevance may be noted by any other party but is not to be regarded as just cause for refusal to stipulate. The requirement for stipulation applies under this rule without regard to where the burden of proof may lie with respect to matters involved. Documents or papers or other exhibits annexed to or filed with the stipulation will be considered part of the stipulation.

- b) An executed stipulation prepared pursuant to this rule, and any related exhibits, shall be filed by the parties at the time directed by the Administrative Law Judge. The stipulation shall be in writing and be clear and concise. Separate items shall be stated in separate paragraphs, and shall be appropriately lettered or numbered. A stipulation shall be treated, to the extent of its terms, as a

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

conclusive admission by the parties to the stipulation. A party will not be permitted to qualify, change or contradict a stipulation in whole or part, except where the ends of justice so require. A stipulation and admissions of fact therein shall be binding and have effect only in the pending case and not for any other purpose, and cannot be used against any of the persons thereto in any other case or proceeding.

Section 200.155 Evidence and Conduct of Hearings

- a) The procedure at hearings shall be similar to that in court proceedings. The order in which evidence is to be presented shall be determined by the party which, at a given point, must sustain the burden of proof. However, in the conduct of any matter at hearing, neither the Department nor any officer or employee thereof, or the taxpayer who is a party to the hearing, shall be bound by the technical rules of evidence. Evidence shall be admitted in accordance with Section 12 of the Illinois Administrative Procedure Act. When a party will not be prejudiced, procedures may be adopted for the submission of all or part of the evidence in written form.
- b) Only evidential and related matters having or possibly having a bearing on the adjustments or issues involved in the case shall be heard and considered. Thus, any presentation or attempted presentation of matters not germane to the adjustments or issues of the case shall be heard only to a limited extent sufficient to enable Departmental or court review of the correctness of its exclusion, due to being ruled inadmissible, from the hearing record.
- c) Exhibits which are to be introduced in evidence at a hearing shall be marked for identification in advance of the hearing and before being formally offered in evidence.
- d) Records of the Department of Revenue may be proved in any hearing by a reproduced copy of such record under the Certificate of the Director.
- e) The Administrative Law Judge shall rule on objections as to the admissibility of evidence and on other matters raised for determination. Evidence excluded by rulings of the Administrative Law Judge shall, nevertheless, be placed in the record so that the question of its admissibility may be passed upon by a reviewing court. In this connection, however, an Administrative Law Judge may require that excluded testimony or other evidence be presented in a condensed form so as to avoid needless repetition and undue length of the hearing record.

Section 200.160 Continuances

- a) No continuance of a scheduled hearing date shall be granted by the Administrative Law Judge except for good cause shown. No second or subsequent continuance of any hearing shall be granted except upon written authorization of one of the following officers or employees of the Illinois Department of Revenue:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

- 1) The Manager of the appropriate Tax Legal Division;
 - 2) the Assistant Manager of the appropriate Tax Legal Division;
 - 3) the Manager of the Hearing Division.
- In determining whether there is good cause shown for a continuance, the Administrative Law Judge, Manager or Assistant Manager shall consider such factors as: the volume of protests filed; the nature and complexity of legal issues raised; the diligence of the party making the request; the availability of a party's legal representative and witnesses and the number of previous requests for continuance.
- b) In a proceeding relating to the revocation or refusal to issue a certificate of registration, permit or license, no continuance at all shall be granted except by one of the Department employees included in the enumeration contained in subsection (a) of this Section.
 - c) All requests for continuance shall be in writing, stating the exact reasons therefor, and be submitted to the Administrative Law Judge and staff attorney if any, representing the Department, not later than 48 hours prior to the scheduled hearing date. Any request for continuance made within the 48 hour period or otherwise not comporting with this Part shall not be considered unless of an emergency nature. The Administrative Law Judge is empowered to require written verification of such emergency as soon thereafter as is practical.
 - d) The rescheduling of a case for a further hearing after an actual hearing has been held is regarded as a continuance unless reconvened on the next succeeding business day.

Section 200.165 Decision of Administrative Law Judge

When the hearing is concluded, the Administrative Law Judge shall make a report thereon to the Director, in accordance with the provisions of Sections 14-21 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1014-1021).

Section 200.170 Notice of Final Decision

The Department's final administrative decision shall be served on the persons affected thereby including legal counsel whose appearance is on file, either personally or by United States registered or certified mail, addressed to the person concerned at his last known address.

Section 200.175 Rehearings

- a) After the issuance of a final assessment or a Notice of Tax Liability which has become final pursuant to Section 4 or Section 5 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 443 and 444) or another Act in which Section 4 or Section 5 is incorporated by reference, the Department, at any time before such assessment is reduced to judgment, may grant a rehearing or grant review and hold an original hearing (in cases of failure to timely protest) upon the application of the person aggrieved.

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

NOTICE OF ADOPTED RULES

- 1) To be considered for initial review or rehearing, a taxpayer must submit a written application therefor to the manager of the hearings section, offering specific and detailed rationale for each basis used to support the request. Where a rehearing is sought following issuance of a final departmental decision, all errors of fact or law viewed as affecting the validity of that decision must be set forth. If new evidence, not previously available, is sought to be admitted, explanation of the nature of that evidence and how it affects the decision shall also be included. In any instance where the request for rehearing follows a finding of default, the reason(s) for failure to appear shall be given, accompanied by an affidavit verifying the statement(s) offered. In determining whether to permit an initial review or rehearing, the Administrative Law Judge shall consider such factors as: the offer of proof with respect to matters in controversy; new evidence and the nature and complexity of legal issues raised. No second or subsequent application for review or rehearing relating to the same operative set of facts shall be considered by the Department.
- 2) Following Department evaluation of an application for review or rehearing.

A) The taxpayer shall be advised in writing of the decision to either:

- i) deny the request; or
 - ii) that such application has been approved.
- B) In each instance where an application for review or rehearing is denied, the Department, in its notice thereof, shall set forth the reasons therefor in explanation of the denial.
- 3) In any case where the issue to be heard involves one or more assessed liabilities, approval of any application for review or rehearing shall be conditioned upon the taxpayer's remittance to the Department, within 30 days of issuance of the notice, of a deposit of not more than 25% of the total liability incurred.
 - 4) In any case where an application for rehearing follows a finding of default in the original proceeding, approval of such application shall be further conditioned upon reimbursement to the Department, within the same 30 day period, of outstanding charges for court reporting services having been incurred for that default.
 - 5) No second or subsequent application for review or rehearing relating to the same operative set of facts shall be considered by the Department.
 - 6) If a rehearing (or an original hearing, in the case of failure to timely protest) is held, the report of the Administrative Law Judge and a notice of final decision shall be made as provided in Sections 200.1165 and 200.170.
- b) In the event of the filing of a timely protest and granting of a rehearing pursuant to Section 908(c) or Section 910(c) of the Illinois

Income Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 9-908(c) and 9-910(c)), the case and the hearing record shall be reopened and resumed to include the rehearing proceedings. Thereafter, as soon as practicable, the Department shall issue a notice of final decision, in accordance with Section 14 of the Illinois Administrative Procedure Act, which in the Department's discretion shall be supported for purposes of the record by a statement in the nature of an opinion summarizing the facts from the record together with applicable law and rationale.

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Property Tax/Revenue Act of 1939
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Numbers: 110.145 Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, par. 618
- 5) Effective Date of Amendment(s): April 12, 1989
- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 12, 1989
- 9) Notice of Proposal Published in Illinois Register:
December 2, 1988, 12 Ill. Reg. 20007
(issue date)
- 10) Has JCAR issued a Statement of Objections to this Rule?: No
- 11) Differences between proposal and final version: No difference between proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
110.105	Amendment	12/30/88, 12 Ill. Reg. 22373
110.160	Amendment	12/30/88, 12 Ill. Reg. 22373

- 15) Summary and Purpose of Rule(s): Rules are being proposed which will apply to Property Tax assessment and exemption hearings, as well as hearings under State Tax Acts administered by the Department. This proposed rule will delete conflicting or duplicated provisions.

- 16) Information and questions regarding this adopted rule shall be directed to:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 110

PROPERTY TAX/REVENUE ACT OF 1939

- Section
110.101 Railroads
110.105 Non-carrier Real Estate of Railroads
110.110 Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.115 Exemption Proceedings
110.120 Oil Right Lessees and Producers
110.125 Reports to be Filed with the Department
110.130 Hearings and Records of County Assessor, Supervisor of Assessments or Board of Assessors
110.135 Review of Assessments - Counties of 1,000,000 or More
110.140 Board of Review Procedures and Records - Counties of Less than 1,000,000
110.141 Farmland Factor Review Procedures (Repealed)
110.145 Practice and Procedure
110.150 Records Reproduction
110.155 Appointment of Board of Review Members After Examination
110.160 Multi-township Assessment Districts
110.165 Farmland Assessment Review Procedures
110.170 Assessors' Bonus
110.175 Equalization by Supervisor of Assessments
110.180 Supervisor of Assessments Examination

AUTHORITY: Implementing the Revenue Act of 1939 (Ill. Rev. Stat. 1987, ch. 120, par. 482.1) and authorized by Section 39b35 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b35).

SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989.

Section 110.145 Practice and Procedure

- a) All complaints, petitions or answers in any proceeding before the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Department and every motion or application in relation thereto and all letters and telegrams shall be addressed to the Department at its office in Springfield.

- b) All applications for review of assessments shall be in writing, and may contain a brief of the points and authorities relied upon, and shall be signed by the petitioner or applicant in person or by counsel. All subsequent communications, briefs and written arguments shall be likewise signed. Application for review and correction of any assessment shall be filed with the Department within 10 days from the date of publication of the assessment in the State "official newspaper". When application for review is made, the assessment decision complained of shall be further considered by the Department and notice shall be given of its decision by certified mail.
- c) An application for a hearing shall be filed by any party who feels aggrieved by a decision of the Department where review of an assessment has been made upon application or where an exemption decision has been made, and notice has been given of the Department's decision. Such application for hearing shall be in writing and shall be filed with the Department within 20 days after said decision has been rendered and notice thereof mailed. Petitions for hearing shall state concisely the mistakes alleged to have been made or the new evidence to be presented.
- d) The Department shall provide a reporter to make a transcript of the proceedings of the hearing, which transcript shall belong to the Department and become a part of its official record. Any objector may obtain a transcript of the record made at such hearing, upon payment of the charge set forth in Section 110.150 of this Part.
- e) All hearings before the Department will be held at the time and place designated by the Department. All such hearings shall be public.
- f) Only one copy of exhibits filed before the Department is required unless otherwise specified by the Department, but in no event shall more than 3 copies be required.
- g) If notification of the result of review or hearing are to be directed to an address different than that of the owner of the property, authorization shall be made to the Department on Form No. P.T.A.B. 133.
- h) The following Sections of the Department rules relating to practice and procedure for hearings shall apply to proceedings conducted under this Part: 200.101, 200.105, 200.110, 200.115, 200.125,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

200.130, ~~200.135~~, 200.140, 200.145, 200.150, 200.155, 200.165, and
200.170 and ~~200.185~~.

(Source: Amended at 13 Ill. Reg. 6803, effective April 12, 1989)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Retailers' Occupation Tax Hearings
- 2) Code Citation: 86 Ill. Adm. Code 200
- 3) Section Numbers:

200.101	Adopted Action:
200.105	Repealer
200.110	Repealer
200.115	Repealer
200.120	Repealer
200.125	Repealer
200.130	Repealer
200.135	Repealer
200.140	Repealer

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, par. 451

5) Effective Date of Repealer: April 12, 1989

6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

7) Does this repealer contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 12, 1989

9) Notice of Proposal Published in Illinois Register:

December 2, 1988, 12 Ill. Reg. 20012
(issue date)

10) Has JCAR issued a Statement of Objections to this Repealer? No

11) Differences between proposal and final version: No differences between proposal and final version.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: This Part is being repealed because it is limited to procedures for Retailers' Occupation Tax Hearings and the Department is currently promulgating Rules that encompass all administrative hearings held by the Department.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED REPEALER

- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: The Barber, Cosmetology and Esthetics Act of 1985
- 2) Code Citation: 68 Ill. Adm. Code 1175
- 3) Section Numbers: Emergency Action:
1175.425 Amending
1175.600 Amending
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111, par. 1703-7, Public Act 85-1302, effective January 01, 1989.
- 5) Effective Date of Amendment: April 10, 1989
- 6) If the emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it will expire:
- 7) Date Filed in Agency's Principal Office: April 10, 1989
- 8) Reason for Emergency:

Public Act 85-1302, effective January 1, 1989, requires a licensed cosmetology teacher, in order to renew such license, to complete 10 hours of continuing education (CE) within 2 years prior to renewal.

The legislative purpose in mandating CE is to assure the public that cosmetology teachers, who are involved in the educational aspect of their profession, will be continually competent in order to protect the health, safety, and welfare of the public. For this reason, in accordance with Section 5.02 of the Administrative Procedure Act, the Department finds that the immediate implementation of this rule is in the best interest of the public and that without the immediate implementation of these rules there would exist a situation which would reasonably constitute a threat to the public interest, safety or welfare.

Also, the Department finds that it is necessary to implement these rules immediately in an effort to avoid the confusion which has surrounded the implementation of the cosmetology CE rules which exists among the approximately 80,000 licensed cosmetologists and cosmetology teachers in Illinois.

- 9) A Complete Description of the Subjects and Issues Involved:

Cosmetology teachers will be required to obtain 5 hours of CE for the 9/30/90 renewal. The number of hours required has been reduced for the 9/30/90 renewal only. Beginning with the 9/30/92 renewal of cosmetology teacher licenses, 10 hours of CE will be required. These hours must be obtained within the 24 months before the license expires (i.e., the 10

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

hours of CE used to renew a license which will expire on 9/30/92 must be obtained between 10/1/90 and 9/30/92). CE must be obtained from a sponsor of cosmetology teacher CE approved by the Department. A cosmetology teacher licensed in another state which also requires CE may use the hours obtained to meet the CE requirement in the other State for the renewal of their Illinois Teacher's license.

Cosmetologists who also hold a cosmetology teacher license may elect to obtain their CE hours from an approved cosmetology teacher continuing education sponsor. These hours, if applied toward the fulfillment of the cosmetologist CE requirement cannot also be used toward fulfillment of the cosmetology teacher CE requirement. Cosmetology teachers will be required to certify to completion of the required CE on their renewal applications. The Department may require additional evidence demonstrating compliance with the CE requirements. CE requirements do not have to be met by cosmetology teachers renewing their license for the first time only.

These amendments set forth application procedures and standards that cosmetology teacher CE sponsors must comply with in order to become approved sponsors.

- 10) Are there any proposed Amendments to this Part pending: No
- 11) Statement of Statewide Policy Objectives:
- 12) Information and questions regarding this Amendment shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

The full text of the Emergency Amendment begins on the next page:

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1175
THE BARBER, COSMETOLOGY AND ESTHETICS ACT OF 1985

SUBPART A: GENERAL

Section	Fees
1175.100	English Translations
1175.105	Granting Variances
1175.110	

SUBPART B: BARBER

Section	Examination - Barber
1175.200	Examination - Barber Teacher
1175.205	Examination Requirements
1175.210	Application for Licensure
1175.215	Endorsement
1175.220	Renewals
1175.225	Restoration - Barber
1175.230	Restoration - Barber Teacher
1175.235	

SUBPART C: BARBER SCHOOLS

Section	School Approval Application
1175.300	Physical Site Requirements
1175.305	Student Contracts
1175.310	Advertising
1175.315	Recordkeeping - Transcripts
1175.320	Recordkeeping - Hours Earned
1175.325	Curriculum Requirements - Barber
1175.330	Curriculum Requirements - Barber Teacher
1175.335	Final Examination
1175.340	Change of Ownership
1175.345	Change of Location
1175.350	Change of Name
1175.355	Expansion
1175.360	Discontinuance of Program
1175.365	Withdrawal of Approval
1175.370	

SOURCE: Adopted at 12 Ill. Reg. 20488, effective November 29, 1988; emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 150 days.

SUBPART D: COSMETOLOGY

Section 1175.425 Renewals

EMERGENCY

- a) Every license issued under the Act shall expire as follows:
- 1) Cosmetology teacher and cosmetology school licenses shall expire on September 30 of each even numbered year.
 - 2) Cosmetologists licenses shall expire on September 30 of each odd numbered year.
 - 3) The holder of a certificate of registration may renew such certificate during the month preceding its expiration date.
- b) Applicants for renewal shall:
- 1) Return a completed renewal application.
 - 2) Cosmetology -- Certify on the renewal application to successful completion of a minimum of 20 hours of continuing education from a cosmetology sponsor approved by the Department, in accordance with Section 1175.600 of this Part, within the 2 years prior to the expiration date of the license, renewal if renewing a cosmetology license.

- A) For the renewal period of October 1, 1987 to September 30, 1989, each individual who applies for renewal, other than first time renewal applicants, shall be required to complete only 10 hours of continuing education. For every renewal thereafter, the individual shall be required to complete 20 hours of continuing education.
- B) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.
- C) The Department may require additional evidence demonstrating compliance with the CE requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence

SUBPART D: COSMETOLOGY

- Section
- 1175.400 Examination - Cosmetology
- 1175.405 Examination - Cosmetology Teacher
- 1175.410 Examination Requirements
- 1175.415 Application for Licensure
- 1175.420 Endorsement
- 1175.425 Renewals
- EMERGENCY
- 1175.430 Restoration - Cosmetology
- 1175.435 Restoration - Cosmetology Teacher

SUBPART E: COSMETOLOGY SCHOOLS

- Section
- 1175.500 School Approval Application
- 1175.505 Physical Site Requirements
- 1175.510 Student Contracts
- 1175.515 Advertising
- 1175.520 Recordkeeping - Transcripts
- 1175.525 Recordkeeping - Hours Earned
- 1175.530 Curriculum Requirements - Cosmetology
- 1175.535 Curriculum Requirements - Cosmetology Teacher
- 1175.540 Final Examination
- 1175.545 Change of Ownership
- 1175.550 Change of Location
- 1175.555 Change of Name
- 1175.560 Expansion
- 1175.565 Discontinuance of Program
- 1175.570 Withdrawal of Approval

SUBPART F: CONTINUING EDUCATION - COSMETOLOGY/COSMETOLOGY TEACHER

- Section
- 1175.600 Sponsor Approval
- EMERGENCY
- 1175.605 Department Supervision
- 1175.610 Credit Hours
- 1175.615 Waiver of Continuing Education Requirements

AUTHORITY: Implementing the Barber, Cosmetology and Esthetics Act of 1985 (Ill. Rev. Stat. 1987, ch. 111, par. 1701-1 et seq.) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

shall be required in the context of the Department's random audit.

D) Cosmetologists who also hold a cosmetology teacher license may elect to obtain their continuing education hours from a cosmetology teacher continuing education sponsor approved by the Department in accordance with Section 1175.600 of this Part. These hours, if applied toward the fulfillment of subsection 2(A) above, cannot also be used toward the fulfillment of the cosmetology teacher continuing education requirement. In addition, the hours must be earned during the appropriate prerenewal period.

3) Cosmetology Teacher -- Certify on the renewal application to successful completion of a minimum of 10 hours of continuing education from a cosmetology teacher continuing education sponsor approved by the Department, in accordance with Section 1175.600 of this Part, within the 2 years prior to renewal if renewing a cosmetology teacher license.

A) For the renewal period of October 1, 1988 to September 30, 1990, each individual who applies for renewal, other than first time renewal applicants, shall be required to complete only 5 hours of continuing education. For every renewal thereafter, such individual shall be required to complete 10 hours of continuing education.

B) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.

C) The Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

4) 3) Submit the required fee.

5) 4) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.

(Source: Emergency amendments at 13 Ill. Reg. 6810., effective April 10, 1989, for a maximum of 150 days)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

SUBPART F: CONTINUING EDUCATION - COSMETOLOGY/COSMETOLOGY TEACHER

Section 1175.600 Sponsor Approval
EMERGENCY

a) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group which has been approved and authorized by the Department to coordinate and present continuing education (CE) courses or programs for cosmetologists or cosmetology teachers or both.

b) A cosmetology continuing education sponsor application shall be filed with the Department to be approved as a cosmetology continuing education sponsor. A cosmetology teacher continuing education sponsor application shall be filed with the Department to be approved as a cosmetology teacher continuing education sponsor. A sponsor shall file a sponsor application with the Department and All sponsors shall certify that they will comply with all sponsor CE requirements set forth in Subpart F.

c) A cosmetology sponsor shall provide CE courses and programs which are organized programs of formal learning which contribute directly to a cosmetologist's knowledge and ability to perform his duties as a cosmetologist. A continuing education program or course must meet the following minimum requirements:

1) A cosmetology course or program shall include as its subject matter one or more of the following:

A) Advanced product chemistry and chemical interaction;

B) The use of machines for care of the face and skin;

C) Sanitary procedures;

D) Updated use of styling implements as they relate to applicable services under this Act;

E) Advanced knowledge of the anatomy of the skin, scalp, and hair;

F) Human relations/communications skills; and

G) Management and marketing.

2) All programs shall be developed and presented by persons with education training and/or practical experience in the subject matter to be presented.

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

- 3) All programs must include a student evaluation of both the instructor and the course.
- 4) All programs shall specify the course objectives, content, prerequisites, requirements, and the number of CE hours to be earned. Such information shall be specified in all promotional materials.
- d) A cosmetology teacher CE sponsor shall provide CE courses and programs which are organized programs of formal learning which contribute directly to a cosmetology teacher's knowledge and ability to perform his duties as a cosmetology teacher. A continuing education program or course must meet the following minimum requirements:
- 1) A course or program shall include as its subject matter one or more of the following:
 - A) Educational Psychology;
 - B) Teaching Techniques as they apply to the use of machines for care of the face and skin;
 - C) Teaching Methods;
 - D) Business Methods;
 - E) Human Relations;
 - F) Counseling Techniques;
 - H) Student Evaluation Skills;
 - I) State and Federal Laws pertinent to Cosmetology;
 - J) Tests and Measurements; and
 - K) Written and Verbal Communication Skills.
 - 2) All programs shall be developed and presented by persons with education training and/or practical experience in the subject matter to be presented.
 - 3) All programs must include a student evaluation of both the instructor and the course.
 - 4) All programs shall specify the course objectives, content, prerequisites, requirements, and the number of CE hours to be

earned. Such information shall be specified in all promotional materials.

- e) 5) All sponsors shall verify attendance at each CE course or program. A record of attendance shall be kept for no less than 5 years. Sponsors shall give each successful participant a record of completion at the end of the course or program. All records shall include the following information: name, address, identification number of participants, course title, CE hours awarded, date of course, name of instructor, and name of sponsor.

(Source: Emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 150 days)

DEPARTMENT OF LABOR

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health and Safety
- 2) Code citation: 56 Ill. Adm. Code 350
- 3) Section Numbers:
- | | |
|---------|-------------------------|
| 350.20 | <u>Proposed Action:</u> |
| 350.280 | Amend |
| 350.300 | Amend |
| 350.310 | New Section withdrawal |
| 350.320 | New Section withdrawal |
| 350.330 | New Section withdrawal |
| 350.340 | New Section withdrawal |
| 350.350 | New Section withdrawal |
| 350.360 | New Section withdrawal |
| 350.370 | New Section withdrawal |
| 350.380 | New Section withdrawal |
| 350.400 | New Section withdrawal |
| 350.410 | New Section withdrawal |
| 350.420 | New Section withdrawal |
| 350.430 | New Section withdrawal |
| 350.440 | New Section withdrawal |
- 4) Date Notice of Proposed Rules Published in the Illinois Register:
September 30, 1988, 12 Ill. Reg. 15272

- 5) Reason for the withdrawal: The regulations proposed on September 30, 1988, have been reviewed very thoroughly with the public. Based on these reviews, our proposals have been extensively revised. It will be clearer to withdraw and propose the new version rather than try to revise the earlier proposal.

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 10, 1989 through April 14, 1989 and have been scheduled for review by the Committee at its May 9, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its May meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
5/25/89	Department of Employment Security, Employment (56 Ill. Adm. Code 2732)	2/17/89 13 Ill. Reg. 1945	May 9, 1989
5/25/89	Department of Public Health, Child Health Examination (77 Ill. Adm. Code 665)	12/2/88 12 Ill. Reg. 19884	May 9, 1989
5/26/89	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112)	2/24/89 13 Ill. Reg. 2236	May 9, 1989
5/30/89	Department of Revenue, Automobile Renting Occupation Tax Regulations (86 Ill. Adm. Code 180)	7/1/88 12 Ill. Reg. 11056	May 9, 1989
5/30/89	Department of Revenue, Cigarette Tax Act (86 Ill. Adm. Code 440)	7/1/88 12 Ill. Reg. 11063	May 9, 1989
5/30/89	Department of Revenue, Cigarette Use Tax Act (86 Ill. Adm. Code 450)	7/1/88 12 Ill. Reg. 11071	May 9, 1989
5/30/89	Department of Revenue, Hotel Operators' Occupation Tax Act (86 Ill. Adm. Code 480)	7/1/88 12 Ill. Reg. 11077	May 9, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
5/30/89	Department of Professional Regulation, Medical Practice Act of 1987 (68 Ill. Adm. Code 1285)	1/13/89 13 Ill. Reg. 274	May 9, 1989
5/30/89	Department of Revenue, Service Occupation Tax Regulations (86 Ill. Adm. Code 140)	7/1/88 12 Ill. Reg. 11108	May 9, 1989
5/30/89	Department of Revenue, Service Use Tax Regulations (86 Ill. Adm. Code 160)	7/1/88 12 Ill. Reg. 11119	May 9, 1989
5/30/89	Office of the Commissioner of Savings and Loans, Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 400)	2/17/89 13 Ill. Reg. 1985	May 9, 1989
5/30/89	Department of Rehabilitation Services, Other Services (89 Ill. Adm. Code 607)	1/6/89 13 Ill. Reg. 56	May 9, 1989
5/30/89	Department of Rehabilitation Services, Eligibility (89 Ill. Adm. Code 552)	1/13/89 13 Ill. Reg. 277	May 9, 1989
5/30/89	Department of Rehabilitation Services, Similar Benefits (89 Ill. Adm. Code 567)	1/13/89 13 Ill. Reg. 281	May 9, 1989
5/30/89	Department of Rehabilitation Services, Responsibility for Special Education (89 Ill. Adm. Code 760)	12/9/88 12 Ill. Reg. 20431	May 9, 1989
5/30/89	Pollution Control Board, Sanctions, Repeal of (35 Ill. Adm. Code 107)	9/23/88 12 Ill. Reg. 14933	May 9, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
(page 3)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
5/30/89	Environmental Protection Agency, Procedures for Operation of the Hazardous Waste Fee System (35 Ill. Adm. Code 855)	12/2/88 12 Ill. Reg. 19834	May 9, 1989
5/30/89	Environmental Protection Agency, Procedures for Collection of Permit and Inspection Fees (35 Ill. Adm. Code 856)	12/23/88 12 Ill. Reg. 21000	May 9, 1989

PROCLAMATION
89-101
Library Week (Revised)

WHEREAS, libraries promote education, entertainment, and adventure through reading by providing each and every citizen with access to books and materials on varied subjects, styles, and interests; and

WHEREAS, through reading, we can all enrich and improve our lives, opening up new opportunities for growth in our careers, our personal lives, and our interactions with others; and

WHEREAS, libraries in Illinois have a unique place in promoting this state's literary heritage and the reading and life skills of its residents, leading the way with important new programs on literacy; and

WHEREAS, libraries will continue to grow in importance as more and more of us rely on these institutions for the information we need to make day-to-day decisions regarding work, leisure and family needs; and

WHEREAS, libraries are adapting to the changing world and helping us to understand it by using up-to-date computer technologies to reach vast stores of information not easily accessible before;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 9-15, 1989, as LIBRARY WEEK in Illinois. I urge all citizens from throughout the state to take advantage of the services offered by libraries and to discover anew that bargains abound at the library.

Issued March 17, 1989. Filed April 17, 1989.

PROCLAMATION
89-148
Design/Drafting Week

WHEREAS, the American Institute for Design and Drafting has designated April 16-22, 1989, as National Drafting Week. During this time, attention will be focused on more than 400,000 professional drafters and designers who contribute to the productivity of the United States; and

WHEREAS, much of the expansion and development of our nation and our state can be accredited to good, sound engineering practices performed by design drafting professionals; and

WHEREAS, we, in Illinois, particularly benefit from the skills of these professionals through numerous expansion programs throughout our state;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 16-22, 1989, as DESIGN/DRAFTING WEEK in Illinois, in conjunction with the national celebration.

Issued March 15, 1989. Filed April 17, 1989.

ILLINOIS REGISTER

6825
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PROCLAMATION
89-149

Belarusian Independence Day

WHEREAS, this year marks the seventy-first anniversary of the day when Belarusian independence from Moscow was proclaimed. On March 25, 1918, restoration of Belarusian statehood began, however, its free existence was short-lived; and

WHEREAS, many of the bonds which still chain Belarus to Moscow were established; and

WHEREAS, the Belarusian people are still fighting for liberation from Soviet Russia's domination; and

WHEREAS, several Belarusian organizations here in Illinois will observe Belarusian Independence Day with special activities in Chicago; and

WHEREAS, the Belarusian people stand as a reminder that not all the world's people share the freedoms we take for granted here in the United States;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 25, 1989, as BELARUSIAN INDEPENDENCE DAY in Illinois.

Issued March 24, 1989. Filed April 17, 1989.

ILLINOIS REGISTER

6826
89

PROCLAMATION
89-150

Child Abuse Prevention Month

WHEREAS, over 2 million children are abused and neglected annually nationwide; and

WHEREAS, the State of Illinois has the welfare of all its citizens, particularly the children, as an immediate concern; and

WHEREAS, the Illinois Department of Children & Family Services has stressed the protection of children by initiating the Family First Program, which is designed to reduce the number of children who are placed with foster parents; and

WHEREAS, over 90,000 children in Illinois were reported as being abused or neglected by their caretakers during the period of July 1, 1987, - June 30, 1988. For 97 children, the abuse and neglect resulted in death; and

WHEREAS, the Greater Chicago Council of the National Committee for Prevention of Child Abuse has a long-range goal to reduce child abuse by 20 percent by the year 1990;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 1989 as CHILD ABUSE PREVENTION MONTH in Illinois, and urge all citizens to be cognizant of the national and local programs being coordinated to provide ongoing protection of our children.

Issued April 7, 1989. Filed April 17, 1989.

PROCLAMATION
89-151
Earth Week

WHEREAS, on the first day of 1980, a new decade, the National Environmental Policy Act became the law of the land. This law is one of our nation's fundamental charters; it is a pledge from each generation to the next to protect and enhance the quality of the environment; and

WHEREAS, for 20 years, Earth Day has been celebrated with cleanups, teach-ins and other activities to demonstrate concern for nature, ecology, and environmental responsibilities; and

WHEREAS, the greenhouse effect, ozone holes and acid rain, all unknown in 1970, are now broadly acknowledged as serious threats to the biosphere; and

WHEREAS, the earth, our fragile asset, must benefit from continued environmental progress. There is room for both a sound economic environment and a healthy ecological environment. Concern can be demonstrated for both our standard of living and our standards for life;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22-29, 1989, as EARTH WEEK in Illinois. I urge every citizen to give special attention to strengthening and sustaining the modern American environmental movement.

Issued April 7, 1989. Filed April 17, 1989.

PROCLAMATION
89-152
Grade Crossing Safety Week

WHEREAS, the Illinois Railroad Grade Crossing Safety Council was established in 1976 to reduce the number of rail-highway accidents in Illinois; and

WHEREAS, it has done so through a project called "Operation Lifesaver," a coordinated effort of private industry, railroads, state agencies, and traffic safety, transportation, engineering and police organizations; and

WHEREAS, through education, engineering, and enforcement, this program has brought a greater awareness to all our citizens of the need for rail-highway safety; and

WHEREAS, the State of Illinois' project has been successful because of the dedicated efforts of those involved; and

WHEREAS, in 1988, there was an increase in accidents at rail-highway crossings in both the State of Illinois and nationally;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 17-23, 1989, as GRADE CROSSING SAFETY WEEK in Illinois. I urge all citizens to reaffirm their commitment to the elimination of grade crossing accidents which account for needless injuries and loss of lives.

Issued April 7, 1989. Filed April 17, 1989.

PROCLAMATION
89-153
Music Week

WHEREAS, the period of May 7-14, 1989, will mark the 66th annual observance of National Music Week; and

WHEREAS, music is a vital part of the culture of every civilized nation, and the people of the United States are proving themselves to be a great music-producing and music-loving citizenry; and

WHEREAS, it is incumbent upon all of us to join together to advance the cause of music as an art and harmonious force, and to extend the radius of its influence among nations, groups, and individuals; and

WHEREAS, the pursuit of music, whether it be through study, composing, listening, performing, or participation, gives rich experience in human life; and

WHEREAS, the National Federation of Music Clubs, through National Music Week, provides an opportunity for the organized musical forces of the country, as well as religious and educational and civic groups, to join music lovers in emphasizing the joys and pleasures to be gained from making music;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 7-14, 1989, as MUSIC WEEK in Illinois. I urge the citizens in every community to participate in making music; to foster a deeper appreciation for musical talent; and to encourage with interest and enthusiasm the music programs offered in special events arranged for this week.

Issued April 7, 1989. Filed April 17, 1989.

PROCLAMATION
89-154
Small Business Week

WHEREAS, the nation's economy has continually been strengthened and stimulated by the small business community, and the State of Illinois is proud of the contributions made by its more than 351,000 small business establishments; and

WHEREAS, the State of Illinois recognizes the importance of the small business community through efforts of Lieutenant Governor George H. Ryan and the Governor's Small Business Advisory Council; the programs of the Illinois Department of Commerce and Community Affairs' Small Business Assistance Bureau; the statewide Illinois Business Development Center Network; and the Illinois Economic Board's Small Business Committee; and

WHEREAS, the small business community has placed Illinois in the forefront of the global economy by becoming a major component in the international trade market and through the development of technology and products; and

WHEREAS, the minority- and female-owned small business community is the fastest growing segment of the nation's economy; and

WHEREAS, a strong and stable economy is largely dependent on the determination and dedication of small business;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 7-13, 1989, as SMALL BUSINESS WEEK in Illinois in honor of small business, which is so integral to this state's continuing economic growth.

Issued April 7, 1989. Filed April 17, 1989.

PROCLAMATION
89-155
Adopt-A-Cat Month

WHEREAS, felines have been faithful friends of man throughout the ages; and

WHEREAS, felines rely on human kindness for their nourishment, health and happiness; and

WHEREAS, more than 8,000,000 abandoned and homeless felines must be cared for by animal shelters every year; and

WHEREAS, the American Humane Association, with the cooperation of Morris the 9 lives cat, who himself was found in a shelter, in conducting Adopt-A-Cat month in June to find homes for the nation's homeless felines;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim June 1989 as ADOPT-A-CAT MONTH in Illinois, and I encourage all the citizens of the state to consider adopting a cat from a local animal shelter.

Issued April 10, 1989. Filed April 17, 1989.

PROCLAMATION
89-156
Child Support Awareness Day

WHEREAS, Illinois has continued to make significant progress in the area of Child Support Enforcement over the past five and one-half years; and

WHEREAS, the payment of child support is the single largest factor in reducing welfare dependency and increasing the economic position of female-headed households; and

WHEREAS, the General Assembly passed major welfare reform legislation during 1987 to increase the state's ability to collect child support; and

WHEREAS, Illinois has continued to stress the importance of child support enforcement not only among states in this region, but nationally as well; and

WHEREAS, the Child Support Enforcement Program celebrates its 14th anniversary this year;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 27, 1989, as CHILD SUPPORT AWARENESS DAY in Illinois.

Issued April 10, 1989. Filed April 17, 1989.

PROCLAMATION
89-157

Croatian Independence Day

WHEREAS, many thousands of Croatian-Americans reside in the State of Illinois; and

WHEREAS, Croatians lost their independence through the yoke of communism; and

WHEREAS, Croatian-Americans who resettled in Illinois have contributed to the vitality and well-being of the state; and

WHEREAS, on April 10, 1989, Croatian-Americans will be celebrating Croatian Independence Day; and

WHEREAS, the Council of Associated Croatian Organizations will be commemorating this day with a banquet on April 8, 1989, at the Croatian Cultural Center and a special program at the Daily Center on April 10, 1989; and

WHEREAS, the observance of this anniversary and many others like it will send a signal to the oppressors of the world that the spirit of freedom strongly continues in the hearts, minds, and actions of the Croatian people outside of their homeland;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 10, 1989, as CROATIAN INDEPENDENCE DAY in Illinois.

Issued April 10, 1989. Filed April 17, 1989.

PROCLAMATION
89-158

Displaced Homemakers' Week

WHEREAS, more and more women in American society today pursue their own careers, erasing the "housewife" label that historically has been placed on them; and

WHEREAS, Illinois Displaced Homemaker Programs assist in helping women make a successful transition from homemaker to employee in their struggle to obtain economic self-sufficiency; and

WHEREAS, the organization's Tenth Annual Displaced Homemakers Network Region V Conference will be held May 3-5 in Springfield with the theme "Planning Our Future"; and

WHEREAS, this conference brings together both service providers and displaced homemakers for the purpose of skill building, networking, and information sharing; and

WHEREAS, the conference's planning committee expects 200 to 250 participants from Region V, which includes Illinois, Indiana, Wisconsin, Michigan, Ohio, and Minnesota;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1-7, 1989, as DISPLACED HOMEMAKERS' WEEK in Illinois to wish these women well in their endeavors and to commend the program for its dedication to them.

Issued April 10, 1989. Filed April 17, 1989.

PROCLAMATION

89-159

Food And Beverage Packaging Week

WHEREAS, Illinois is one of the strongest markets in the midwestern food belt; and

WHEREAS, Pack Alimentaire '89, the third annual Food & Beverage Packaging Exposition and Conference, will be held June 13-15 at McCormick Place North in Chicago; and

WHEREAS, more than 200 exhibitors are expected to display current packaging innovations designed specifically for food and beverage products; and

WHEREAS, Pack Alimentaire '89 will provide an opportunity for more than 8,000 food and beverage decision makers to thoroughly examine new packaging materials and machinery directly related to their industry. A 20 session comprehensive conference program also will be introduced, involving 80 or more presentations by leading industry experts; and

WHEREAS, the exposition is being sponsored by the Association of Industrial Metallizers, the American Butter Institute, Coaters & Laminators, the Council on Plastics & Packaging in the Environment, the Flexible Packaging Association, Foodservice and Packing Institute, the National Cheese Institute, International Dairy-Deli Association, International Microwave Power Institute, the Package Design Council, the Packaging Coalition for Solid Waste Management, the Packaging Institute International, the Produce Marketing Association, the Refrigeration Research Foundation, Tag and Label Manufacturer's Institute, and the United Fresh Fruit and Vegetable Association;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim June 11-16, 1989, as FOOD AND BEVERAGE PACKAGING WEEK in Illinois.

Issued April 10, 1989. Filed April 17, 1989.

PROCLAMATION

89-160

Motorcycle Awareness Month

WHEREAS, Illinois is proud to be a national leader in motorcycling education and safety; and

WHEREAS, the Illinois Department of Transportation has been conducting the influential Illinois Cycle Rider Safety Training Program since 1976; and

WHEREAS, the program is supported by state motorcycle registration fees and has been responsible for training more than 80,000 Illinois cyclists; and

WHEREAS, in 1987, the Illinois Cycle Rider Safety Training Program was awarded the Motorcycle Safety Foundation's National Award for the fifth time, designating Illinois as the leading state in promoting motorcycle safety activities;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1989 as MOTORCYCLE AWARENESS MONTH in Illinois, in recognition of the Illinois Cycle Rider Safety Training Program and the continuing leadership role that our state will occupy in motorcycle safety.

Issued April 10, 1989. Filed April 17, 1989.

ILLINOIS REGISTER

PROCLAMATION
89-161

Older Americans Month

WHEREAS, the month of May is traditionally a time to pay tribute to the indomitable spirit and strength of Older Americans and a time to focus public attention on their needs and concerns; and

WHEREAS, the 1989 Illinois theme for Older Americans Month is "Celebrating Age and Independence"; and

WHEREAS, Illinois is committed to improving the quality of life for all older Illinoisans by promoting those programs that respond to their needs, ease their concerns, and make it easier to enjoy their independence; and

WHEREAS, the entire Aging Network in Illinois is dedicated to providing the supportive services, programs and training to individuals, families, caregivers, and communities that foster older people's independence, promote mutual respect, and enhance the prospect for a meaningful and rewarding life; and

WHEREAS, the citizens of Illinois should respect and value the wisdom, strength, experience, and unlimited potential of the fastest growing segment of the nation's population;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1989 as OLDER AMERICANS MONTH in Illinois, and urge all Illinoisans to join me in celebrating age and independence.

Issued April 10, 1989. Filed April 17, 1989.

ILLINOIS REGISTER

PROCLAMATION
89-162

Public Service Recognition Week

WHEREAS, public employees and volunteers have made great contributions to this society in serving areas such as health care, education, crime prevention, fire protection, conservation of energy and other resources, and national defense; and

WHEREAS, the effectiveness and efficiency of government depend in large measure on public employees and volunteers whose task it is to provide services of the quality and quantity required and expected by the public on a daily basis; and

WHEREAS, the State of Illinois recognizes the dedication and talents of public employees and volunteers as well as the importance of the services they render at all levels of government;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1-7, 1989, as PUBLIC SERVICE RECOGNITION WEEK in Illinois, in appreciation of the vital contributions made daily by public employees and volunteers throughout our state and nation.

Issued April 10, 1989. Filed April 17, 1989.

ILLINOIS REGISTER

6839
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PROCLAMATION
89-163

Space Development Week

WHEREAS, the State of Illinois has made innovation and technological development a high state priority; and

WHEREAS, on May 26-29, 1989, preceding the 20th anniversary of the first landing on the moon, the State of Illinois is hosting the National Space Society's 8th annual International Space Development Conference, which will include astronauts and space scientists, space experts, pioneers, and leaders; and

WHEREAS, the conference will focus on "Business and Space"; opportunities for business leaders to learn about and take advantage of technology already developed by the space program and to participate in the future growth of America's space efforts; and

WHEREAS, this conference also will showcase Argonne National Laboratory, Fermi National Accelerator Laboratory, and space science and high technology programs at Illinois universities; and

WHEREAS, many of this state's leading civic, educational and business institutions, as well as the Governor's Commission on Science & Technology, are supporting and participating in the Space Development Conference;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 21-28, 1989, as SPACE DEVELOPMENT WEEK in Illinois and urge all citizens of Illinois and neighboring states to participate in this event.

Issued April 10, 1989. Filed April 17, 1989.

ILLINOIS REGISTER

6840
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PROCLAMATION
89-164

CMM7--Converting Machinery/Materials Day

WHEREAS, converting, a method by which basic materials are turned into marketable packaging or non-packaging products, is an efficient process essential to industry; and

WHEREAS, the Converting Machinery/Materials Trade Show began 15 years ago and is held biennially; and

WHEREAS, the seventh Converting Machinery/Materials Trade Show, CMM7, will be held September 11-14, and McCormick Place in Chicago was chosen to be the new site of this exposition; and

WHEREAS, more than 25,000 attendees and 550 exhibitors representing 50 countries are expected at the show;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim September 11, 1989, as CMM7--CONVERTING MACHINERY/MATERIALS DAY in Illinois.

Issued April 11, 1989. Filed April 17, 1989.

PROCLAMATION

89-165

Community Mental Health Services Week

WHEREAS, community mental health services play an important role in the prevention, identification, and treatment of mental illness in Illinois; and

WHEREAS, community mental health services enhance the quality of life for the mentally ill in Illinois; and

WHEREAS, Illinois communities will benefit from an increased public awareness of the need for community mental health services; and

WHEREAS, Illinois communities will benefit from an increased public awareness concerning the array of community mental health services available in their local communities;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 14-20, 1989, as COMMUNITY MENTAL HEALTH SERVICES WEEK in Illinois.

Issued April 11, 1989. Filed April 17, 1989.

PROCLAMATION

89-166

Entrepreneur Achievement Week

WHEREAS, America was built and made great by individual entrepreneurs with dreams and the drive to make those dreams come true; and

WHEREAS, today's entrepreneurs are the spiritual descendants of those earlier generations; and

WHEREAS, smaller and emerging businesses represent the lifeblood of our community; creating and maintaining employment, contributing economic vitality, and sharing dreams with the next generation; and

WHEREAS, 24 Illinois small businesses have been honored by "Inc." magazine for being among the 500 fastest growing small businesses in the nation; and

WHEREAS, this singular achievement honors these companies, their owners and dedicated employees, and our state;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1-7, 1989, as ENTREPRENEUR ACHIEVEMENT WEEK in honor of the companies honored this year and in years past, and in recognition of the standard these companies have set to which others will surely strive.

Issued April 11, 1989. Filed April 17, 1989.

PROCLAMATION
89-167

Goodwill Industries Week

WHEREAS, Goodwill Industries holds a unique position in the social framework of the State of Illinois; and

WHEREAS, Goodwill has successfully combined a mission of human services with sound business principles, working with public institutions, commerce, and industry to provide employment opportunities for people with disabilities and other special needs; and

WHEREAS, most people with disabilities and disadvantaged conditions want to work and lack only training and the opportunity to prove themselves in the work place; and

WHEREAS, Goodwill's successful vocational and employment programs accommodate these needs and also provide businesses with capable workers; and

WHEREAS, helping people with disabilities achieve full participation in society and a measure of personal independence is a goal worthy of everyone's support;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 7-14, 1989, as GOODWILL INDUSTRIES WEEK in Illinois. I urge all Illinoisans to give recognition to and support for the efforts of this important community-based organization.

Issued April 11, 1989. Filed April 17, 1989.

PROCLAMATION
89-168

Nursing: The Heartbeat Of Health Care Day In Chicago Day

WHEREAS, the Chicago area is recognized as a major resource for medical care and its health care institutions are visited each year by people from around the world who are seeking advanced medical treatment; and

WHEREAS, nurses are a vital part of the delivery of health care in all settings, including hospitals, ambulatory care, home health care, and education; and

WHEREAS, the nursing profession is experiencing a time of dynamic growth, with nurses assuming greater responsibilities and technical expertise; and

WHEREAS, nurses make major contributions daily throughout all fields of medicine, advancing the metropolitan area's reputation for health care excellence; and

WHEREAS, the 97 area hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council salute area nurses as committed employees and appreciate the prominent role of nurses in maintaining the Chicago metropolitan area as a healthy and productive community;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 10, 1989, as NURSING: THE HEARTBEAT OF HEALTH CARE DAY IN CHICAGO DAY and urge all citizens to recognize the achievements of nurses in health care.

Issued April 11, 1989. Filed April 17, 1989.

ILLINOIS REGISTER

PROCLAMATION

89-169

Pan American Week

WHEREAS, the observance of Pan American Day dates back 99 years when the International Union of American Republics, which became the Organization of American States, was established; and

WHEREAS, since 1980, the organization has played a vital role in maintaining peace and security and accelerating economic development and social progress in the Americas; and

WHEREAS, the Pan American Council of Chicago will participate with other groups during the week of April 9-15, featuring the flags of the American nations and programs dedicated to the occasion;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 9-15, 1989, as PAN AMERICAN WEEK and April 14, 1989, as PAN AMERICAN DAY in Illinois, and I wish all participants in the festivities an enjoyable time.

Issued April 11, 1989. Filed April 17, 1989.

ILLINOIS REGISTER

PROCLAMATION

89-170

Credit Education Week

WHEREAS, the credit grantors and credit reporting companies of Greater Chicago, in cooperation with credit grantors throughout the State of Illinois, are observing National Credit Education Week in the spirit of free enterprise in America; and

WHEREAS, these consumer credit executives are also celebrating National Credit Education Week with emphasis upon the theme, "How to Use Consumer Credit Wisely"; and

WHEREAS, the officials of the State of Illinois are aware of the importance of furthering the education of the consumers in credit management so that they may realize fuller benefits from the necessary expenditure of income today and tomorrow; and

WHEREAS, it is the aim of this observance to improve the ethical climate of business in the State of Illinois and safeguard the rights of the consumer;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 23-29, 1989, as CREDIT EDUCATION WEEK in Illinois and urge all Illinoisans to participate in the educational and public service activities connected with this annual observance.

Issued April 12, 1989. Filed April 17, 1989.

PROCLAMATION

89-171

Dr. Jack L. Greider Day

WHEREAS, for 43 years, Dr. Jack L. Greider of Decatur, Illinois, has served the people of his community as a family practitioner and surgeon; and

WHEREAS, a 1945 graduate of Marquette University, he completed his residency at Woods Veterans Hospital and Missouri Pacific Hospital. He served in the United States Navy as a Lt. Commander, spending 1954-1955 in Japan; and

WHEREAS, following the death of his father, Dr. Frank Greider, he returned to Decatur in 1956, continuing his practice until the present time; and

WHEREAS, Dr. Greider has served as President of St. Mary's Hospital Staff and has belonged to the Macon County Medical Society and the Illinois Medical Society; and

WHEREAS, he and his wife Delores are the parents of four children and grandparents of nine children. They have been married since 1946; and

WHEREAS, on April 15, 1989, Dr. Greider will be the guest of honor at an appreciation evening at the Decatur Holiday Inn;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 15, 1989, as DR. JACK L. GREIDER DAY in Illinois in recognition of the occasion of his retirement and in appreciation of his many contributions to his fellow Illinoisans.

Issued April 12, 1989. Filed April 17, 1989.

PROCLAMATION

89-172

Commemorates Warsaw Ghetto Uprising

WHEREAS, the Jewish community in the State of Illinois and all over the world, during the month of April, commemorates the Warsaw Ghetto Uprising; and

WHEREAS, the Warsaw Ghetto Uprising began on April 19, 1943, and lasted until May 16th. Sixty thousand Jews lost their lives resisting Nazi troops; and

WHEREAS, not since that period has there been such an alarming rate of anti-semitism and racist vandalism against synagogues and Jewish shops in the Chicago area and across the nation; and

WHEREAS, this memorial encourages all to remember the atrocities that took place less than 50 years ago and to use those memories as the base to educate and inspire our children for a better future; and

WHEREAS, the remembrance of the Warsaw Ghetto Uprising helps our nation in striving to end racial and religious oppression, and renews our commitment to faith and freedom; and

WHEREAS, the 46th commemoration of the Warsaw Ghetto Uprising, sponsored by the Mid-West Jewish Council, will be held Sunday, April 16, 1989, at Mather High School, Chicago; and

WHEREAS, citizens of many faiths will be present to pay homage to those heroic individuals who sacrificed their lives for their belief in the preservation of basic human rights;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 16, 1989, to be a day of memorial of the WARSAW GHETTO UPRISING.

Issued April 13, 1989. Filed April 17, 1989.

PROCLAMATION
89-173
Day Of Prayer

"To pray together, in whatever tongue or ritual, is the most tender brotherhood of hope and sympathy that men can contact in this life."

Madame De Stael, Corrine, Book X

WHEREAS, the observance of a National Day of Prayer has a long history in the United States, beginning with the Continental Congress in 1775; highlighted by an eloquent proclamation from Abraham Lincoln in 1863; and continuing now in the 37th consecutive observance since 1952; and

WHEREAS, it is a unique time in the life of our nation when people from all traditions and beliefs set aside a time for prayer to seek guidance in approaching the challenges and changes before us; and

WHEREAS, this year, citizens are urged to "Take 5 at 12"; to cease other activities at noon on May 5th and for five minutes join in united prayer for our nation;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 4, 1989, as DAY OF PRAYER in Illinois, in conjunction with the national observance. I encourage our citizens to join together on this day in asking for help in exercising justice, and wisdom in carrying out our common responsibilities.

Issued April 13, 1989. Filed April 17, 1989.

PROCLAMATION
89-174
Municipal Clerks Week

WHEREAS, the municipal clerk is the oldest of public servants and a critical part of efficient and responsive local government committed to a professional standard of quality and integrity; and

WHEREAS, the accurate recording, careful safeguarding, and prompt retrieval of public records are vital functions, without which effective local government could not exist; and

WHEREAS, as local government has grown in responsibility and importance through the nation's history, so has the role of the municipal clerk. The clerk provides a direct link between past, present, and future by preserving records for posterity and implementing governmental decisions; and

WHEREAS, municipal clerks also seek better and more effective ways to perform these critical responsibilities in light of the rapid technological advances of today's world;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 7-13, 1989, as MUNICIPAL CLERKS WEEK in Illinois, in recognition of these dedicated public servants and their role in ensuring the smooth operation of municipal government.

Issued April 13, 1989. Filed April 17, 1989.

PROCLAMATION
89-175

Subcontractors Month

WHEREAS, subcontractors perform more than 80 percent of the commercial on-site construction work in this country and constitute the largest segment of the construction industry, with 71 percent of the employees and 68 percent of the net receipts from residential and nonresidential construction; and

WHEREAS, the contemporary subcontractor has emerged as a combination craftsman, engineer and small business manager. His work, which is evidenced in the building of schools, hospitals, office buildings, shopping malls and apartments, has become a permanent part of the community in which he labors, significantly enhancing the quality of life around him; and

WHEREAS, subcontractors are specialists, building America through the performance of diverse trades ranging from plumbing, heating, interior finishing and electrical work to brick masonry, excavation, and concrete or steel frame erection; and

WHEREAS, by virtue of being members of construction's "first team," specialty trade contractors bear a large part of the responsibility and obligation to uphold industry standards, enabling all parties to reach a common goal of efficient, quality construction; and

WHEREAS, the American Subcontractors Association (ASA) has launched a nationwide campaign both to honor the subcontracting profession, which is gaining an increased share of the construction market, and to pay tribute to the 6,400 member firms whose business concerns are represented by ASA;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1989 as SUBCONTRACTORS MONTH in Illinois, in honor and recognition of specialty trade contractors whose accomplishments have become a lasting part of our landscape.

ICAR - Joint Committee on Administrative

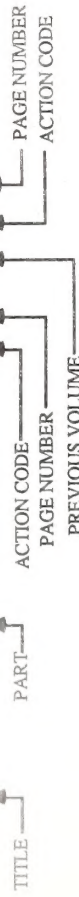
ACTION CODES

- Rules**
- A - Adopted Rule
 - AR - Adopted Repealer
 - C - Notice of Corrections
 - CC - Codification Changes
 - E - Emergency Rule
 - ER - Emergency Repealer
 - M - Modification to meet ICAR objections
 - O - ICAR Statement of Objections
 - P - Proposed Rule
 - PF - Prohibited Filing Ordered by ICAR
 - PP - Peremptory or Court ordered Rules
 - PR - Proposed Repealer
 - R - Refusal to meet ICAR objection
 - RC - Statement of Recommendation
 - S - Suspension ordered by ICAR
 - W - Withdrawal to meet ICAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-685)
- 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14777/88; A-2015) (P-12137/88; A-3054)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 255 Agrichemical Facilities (P-2571)
- 8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-19153/88; A-3617)
- 8 Ill. Adm. Code 25 Animal Welfare Act (P-19164/88; A-3628)
- 8 Ill. Adm. Code 75 Bovine Brucellosis (P-19172/88; A-3636)
- 8 Ill. Adm. Code 20 Definitions (P-19178/88; W-2166)
- 8 Ill. Adm. Code 85 Diseased Animals (P-19185/88; A-3642)
- 8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285) (P-2598) (P-17139/88; A-3653)
- 68 Ill. Adm. Code 600 Grain Dealers (P-19795/88; A-3665)
- 8 Ill. Adm. Code 80 III. Bovine Tuberculosis Eradication Act (P-19196/88; A-3676)
- 8 Ill. Adm. Code 90 III. Dead Animal Disposal Act (P-19201/88; A-3681)
- 8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-19218/88; A-3685)
- 8 Ill. Adm. Code 230 III. Seed Law (P-3511) (E-4015)
- 68 Ill. Adm. Code 610 Livestock Dealer Licensing (P-19205/88; A-3690)
- 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-228) (PP-2160) (P-19211/88; A-3696)
- 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-3066)
- 8 Ill. Adm. Code 505 Public Grain Warehouse & Warehouse Receipts Act (P-19806/88; A-3703)
- 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-20309/88; A-3715)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

- 38 Ill. Adm. Code 303 Use of a State Bank's Corporate Name in Identification & Communication (P-2889)

CAPITAL DEVELOPMENT BOARD

- 44 Ill. Adm. Code 910 Procurement Practices (P-1917)
- 71 Ill. Adm. Code 40 Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 1300 Day Care (P-19223/88; A-4644)
- 80 Ill. Adm. Code 302 Merit & Fitness (P-15813/88; A-3722)
- 80 Ill. Adm. Code 310 Pay Plan (P-20584/88; RC-1254) (P-1296) (P-2892)
- 80 Ill. Adm. Code 2150 Service-Connected Days Benefit Administration (P-10285/88; A-2402)
- 80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256; R-3411; A-3330)
- 80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-1) (E-214)
- 44 Ill. Adm. Code 5040 State Vehicles & Garage (P-4071)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 385 Background Checks (P-13744/88; A-5917)
- 89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-11922/88; O-22457/88; R-2532; A-2407)
- 89 Ill. Adm. Code 310 Delivery of Youth Services Funded by the Department of Children & Family Services (P-11935/88; O-3412; RC-3414)
- 89 Ill. Adm. Code 437 Department of Children & Family Services Employee Conflict of Interest (P-13752/88; A-3339)
- 89 Ill. Adm. Code 357 Purchase of Service (P-13807/88; A-3344)
- 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-11953/88; O-22472/88; R-2535; A-2419)
- 89 Ill. Adm. Code 432 Research Involving Children & Families (P-5225)

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES

- 80 Ill. Adm. Code 250 State Universities Civil Service System (P-1921)

COLLEGES AND UNIVERSITIES, BOARD OF GOVERNORS OF STATE

- 44 Ill. Adm. Code 530 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2648)
- 2 Ill. Adm. Code 5025 Public Information, Rulemaking & Organization (AR-3742) (A-3747)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 14 Ill. Adm. Code 630 Corridors of Opportunity Program (P-4987/88; A-4164)
- 56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-3513) (E-4019)
- 47 Ill. Adm. Code 160 Emergency Shelter Grants Program (P-9271/88; A-2024)
- 14 Ill. Adm. Code 520 Enterprise Zone Program (P-4985)
- 14 Ill. Adm. Code 590 III. Large Business Development Program (P-15249/88; A-2028)
- 14 Ill. Adm. Code 570 III. Small Business Development Program (P-20714/87; A-58)
- 14 Ill. Adm. Code 620 Labor-Management Program (P-14797/88; A-1758)
- 56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-3515) (E-4028) (P-4331)
- 47 Ill. Adm. Code 1 Standard Grant Administrative Requirements (P-5002)
- 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-8521/88; A-779) (P-1311) (P-4075)
- 47 Ill. Adm. Code 100 State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program (P-1930) (P-4358)
- 56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-4366) (P-5017)

COMMERCE COMMISSION, ILLINOIS

- 83 Ill. Adm. Code 325 Charitable Contributions (PR-18021/88; AR-4648)
- 83 Ill. Adm. Code 215 Designation of Agent (P-18026/88; A-4650)

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

APRIL 28, 1989

VOL. 13, ISSUE #17

COMMERCE COMMISSION, ILLINOIS (CONT'D)

- 83 Ill. Adm. Code 435 Electric Utility Forecasting (G.O.215) (PR-3)
- 83 Ill. Adm. Code 281 Energy Assistance (P-1647)
- 92 Ill. Adm. Code 1205 Fees & Taxes (P-1665)
- 92 Ill. Adm. Code 1206 Investigation & Suspension of Rates (P-1671)
- 83 Ill. Adm. Code 440 Least-Cost Planning for Electric Utilities (P-3162/88; A-296)
- 92 Ill. Adm. Code 1304 Motor Carrier of Property Fitness Standards (P-13381/89; A-4654)
- 92 Ill. Adm. Code 1235 Practice Before the Independent Review Board (P-17045/88; A-4658)
- 92 Ill. Adm. Code 1225 Publication, Posting & Filing of Tariffs, Contracts, Schedules & Related Documents (P-1676)
- 92 Ill. Adm. Code 1710 Relocation Towing (P-10)
- 83 Ill. Adm. Code 595 Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (P-16309/88; A-2036)
- 83 Ill. Adm. Code 285 Standard Filing Requirements for Electric, Gas, Telephone, Water & Sewer Utilities in Filing for an Increase in Rates (G.O. 210) (P-5229)
- 83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-1686)

COMMUNITY COLLEGE BOARD, ILLINOIS

- 23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-16313/88; A-1182) (P-3517) (P-4087) (P-4394)

COMPTROLLER

- 74 Ill. Adm. Code 280 Public Radio & Television Station Grants (P-19259/88; A-4664) (P-5314)

CONSERVATION, DEPARTMENT OF

- 17 Ill. Adm. Code 870 Aquaculture, Transportation, Stocking, Importation &/or Possession of Aquatic Life (P-3213)
- 17 Ill. Adm. Code 530 Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting (P-4399)
- 17 Ill. Adm. Code 2030 Designation of Restricted Waters in the State of Ill. (P-13820/88; A-20472/88; CC-967) (E-2878) (P-4417)
- 17 Ill. Adm. Code 730 Dove Hunting (P-2609)
- 17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-3221) (E-22244/88; O-3462)
- 17 Ill. Adm. Code 1590 Falconry & the Captive Propagation of Raptors (P-2622)
- 17 Ill. Adm. Code 930 Field Trials on Non-Department Owned or Managed Lands (P-3262)
- 17 Ill. Adm. Code 870 Fish Stocking, Importation, &/or Possession of Aquatic Life (PR-3264)
- 17 Ill. Adm. Code 1560 Forest Fire Protection Districts Act (P-2626)
- 17 Ill. Adm. Code 510 General Hunting & Trapping on Department-Owned or -Managed Sites (P-3268)
- 17 Ill. Adm. Code 1010 Ill. List of Endangered & Threatened Fauna (P-20325/88; A-4179)
- 17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-20335/88; A-3755)
- 17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-2632) (P-5087/88; A-12034/88; O-3468)
- 17 Ill. Adm. Code 220 North Point Marina (P-731)
- 17 Ill. Adm. Code 230 North Point Marina Vendors (P-4430)
- 17 Ill. Adm. Code 110 Public Use of State Parks & Other Properties of the Department of Conservation (P-20363/88; A-3785)
- 17 Ill. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-3273)
- 17 Ill. Adm. Code 810 Sport Fishing Regs. for the Waters of Ill. (P-1690)
- 17 Ill. Adm. Code 690 Squirrel Hunting (P-2641)
- 17 Ill. Adm. Code 720 Taking of Wild Turkeys - Fall Archery Season, The (P-4435)
- 17 Ill. Adm. Code 710 Taking of Wild Turkeys - Spring Season, The (P-20993/88; A-5090; O-5796)
- 17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow & Arrow (P-5052)
- 17 Ill. Adm. Code 650 White-Tailed Deer Hunting by Use of Firearms (P-4442)
- 17 Ill. Adm. Code 740 Woodcock, Snipe, Rail & Teal Hunting (P-4458)

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

VOL. 13, ISSUE #17

APRIL 28, 1989

CORRECTIONS, DEPARTMENT OF

- 2 Ill. Adm. Code 850 Public Information, Rulemaking & Organization (A-1510)
- 20 Ill. Adm. Code 107 Records of Committed Persons (P-979)
- 20 Ill. Adm. Code 502 Safety, Maintenance & Sanitation (P-3528)

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

- 20 Ill. Adm. Code 1520 Operating Procedures for the Administration of Federal Funds (P-1317; A-5926) (E-1605)

EDUCATION, STATE BOARD OF

- 23 Ill. Adm. Code 500 Educational Service Centers (P-1730)
- 23 Ill. Adm. Code 227 Gifted Education (P-4097)
- 23 Ill. Adm. Code 275 Pupil Transportation (P-12745/88; A-1532)
- 23 Ill. Adm. Code 120 Pupil Transportation Reimbursement (P-19266/88; O-3416)
- 23 Ill. Adm. Code 230 Summer School for Gifted & Remedial Education (P-12747/88; A-1535)

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS

- 23 Ill. Adm. Code 2310 Functions & Planning Program (P-1319)

ELECTIONS, STATE BOARD OF

- 26 Ill. Adm. Code 208 Constitutional Amendments & Statewide Questions of Public Policy (P-5317)
- 26 Ill. Adm. Code 201 Established Political Party & Independent Candidate Nominating Petitions (P-5322)
- 26 Ill. Adm. Code 207 Miscellaneous (P-5327)
- 26 Ill. Adm. Code 202 New Political Party Nominating Petitions (P-5339)

EMERGENCY SERVICES AND DISASTER AGENCY

- 29 Ill. Adm. Code 430 Emergency & Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance (P-17575/88; A-2040)
- 29 Ill. Adm. Code 430 Telephone Notification of Hazardous Incidents (PR-17585/88; AR-2049)

EMPLOYMENT SECURITY, DEPARTMENT OF

- 56 Ill. Adm. Code 2725 Administrative Hearings & Appeals (P-5344)
- 56 Ill. Adm. Code 2905 Alien Status (P-2229)
- 56 Ill. Adm. Code 2720 Claims, Adjudication, Appeals & Hearings (P-5362)
- 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-743)
- 56 Ill. Adm. Code 2920 Disqualifying Income & Reduced Benefits (P-17592/88; A-1773) (P-22295/88; A-5936)
- 56 Ill. Adm. Code 2732 Employment (P-1945)
- 56 Ill. Adm. Code 2712 General Applications (P-15257/88; O-22482/88; R-965; A-795)
- 56 Ill. Adm. Code 2960 General Provisions (P-17; A-5940)
- 56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-752) (P-5375)

ENVIRONMENTAL PROTECTION AGENCY

- 35 Ill. Adm. Code 378 Effluent Disinfection Exemptions (P-12753/88; A-1190)
- 35 Ill. Adm. Code 661 General Conditions of Grants for the Financing & Construction of Public Water Supply Facilities (P-1738)
- 35 Ill. Adm. Code 251 Procedures for Collection of Air Pollution Site Fees (E-955)
- 35 Ill. Adm. Code 365 Procedures for Issuing Loans from the Water Pollution Control Revolving Fund (P-18030/88; RC-5798)
- 35 Ill. Adm. Code 858 Procedures for Operation of the Non-Hazardous Solid Waste Fee System (A-5945)

FARM DEVELOPMENT AUTHORITY, ILLINOIS

- 8 Ill. Adm. Code 1400 Ill. Farm Development Authority (P-5545/88; A-2440)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

- 38 Ill. Adm. Code 190 Ill. Credit Union Act (P-14097/88; O-22489/88; R-966; A-3793) (P-4107)

FIRE MARSHAL, OFFICE OF THE STATE

- 41 Ill. Adm. Code 100 Fire Prevention & Safety (E-582) (P-1323)

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

APRIL 28, 1989

VOL. 13, ISSUE #17

FIRE MARSHAL, OFFICE OF THE STATE (CONT'D)

- 41 Ill. Adm. Code 180 Storage, Transportation, Sale & Use of Gasoline & Volatile Oils (P-1754) (E-1875; O-5807)
- 41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-1756) (E-1886) (A-5669)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

- 77 Ill. Adm. Code 2510 Data Collection (P-13694/88; A-334)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

- 47 Ill. Adm. Code 350 Low Income Housing Tax Credit Allocation (P-15265/88; A-5947)

ILLINOIS BOARD OF TRUSTEES OF THE UNIVERSITY OF

- 44 Ill. Adm. Code 535 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2766)

INSURANCE, DEPARTMENT OF

- 50 Ill. Adm. Code 301 Accumulation of Guaranty Fund or Guaranty Capital-Reporting & Accounting of Such Indebtedness (P-2901)
- 50 Ill. Adm. Code 401 Accumulation of Guaranty Fund or Guaranty Capital-Reporting & Accounting of Such Indebtedness (P-2905)
- 50 Ill. Adm. Code 6302 Definition of Salary (P-15269/88; A-3801)
- 50 Ill. Adm. Code 2502 Fees for Various Certificates Under Section 408 (PR-2234)
- 50 Ill. Adm. Code 601 Foreign & Alien Insurer Annual Audited Financial Reports (P-11985/88; A-2051)
- 50 Ill. Adm. Code 919 Improper Claims Practice (P-13535/88; C-17456/88; A-1204)
- 50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-251) (E-586; O-3471)
- 50 Ill. Adm. Code 6701 Notice of Eligibility (P-17617/88; A-5951)
- 50 Ill. Adm. Code 6301 Pension & Examination Procedure (P-14502/88; A-1780)
- 50 Ill. Adm. Code 754 Pension & Rate Filings (P-2057/88; A-1542)
- 50 Ill. Adm. Code 201 Subordinated Indebtedness (P-2909)
- 50 Ill. Adm. Code 2801 Surplus Line Business Requirements (P-3531)
- 50 Ill. Adm. Code 2011 Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits & Premiums to Conform to Medicare Program Revisions (P-13558/88; A-3804)

INVESTMENT, ILLINOIS STATE BOARD OF

- 80 Ill. Adm. Code 2700 State (of Ill.) Employees' Deferred Compensation Plan (P-253) (E-629)

LABOR, DEPARTMENT OF

- 56 Ill. Adm. Code 350 Health & Safety (P-15272/88; W-6819)

LABOR RELATIONS BOARD, ILLINOIS EDUCATIONAL

- 80 Ill. Adm. Code 1125 Fair Share Fee Objections (P-16375/88; O-22478/88; R-1905; A-1784)
- 80 Ill. Adm. Code 1100 General Procedures (P-1327)
- 80 Ill. Adm. Code 1105 Hearing Procedures (P-1335)
- 80 Ill. Adm. Code 1110 Representation Procedures (P-1355)
- 80 Ill. Adm. Code 1120 Unfair Labor Practice Proceedings (P-1379)

LABOR RELATIONS BOARD, ILLINOIS STATE/LABOR RELATIONS BOARD, ILLINOIS LOCAL

- 2 Ill. Adm. Code 2500 Public Information, Rulemaking & Organization (A-22210/88; CC-2883)

LOTTERY, DEPARTMENT OF

- 11 Ill. Adm. Code 1770 Lottery (General) (P-10298/88; O-3419)

MENTAL HEALTH & DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

- 59 Ill. Adm. Code 106 Services Charges (P-18087/88; A-3821)

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

APRIL 28, 1989

VOL. 13, ISSUE #17

MILITARY AFFAIRS, DEPARTMENT OF

- 23 Ill. Adm. Code 3300 Loan of Military Artifacts (P-14809/88; O-3440; R-4957; A-4672)
- 71 Ill. Adm. Code 1510 Rental of National Guard Armories (P-14813/88; O-3442; R-5210; A-5098)

MINES AND MINERALS, DEPARTMENT OF

- 62 Ill. Adm. Code 220 Surface Installation Health & Safety (P-23; A-5955) (P-756)

NUCLEAR SAFETY, DEPARTMENT OF

- 32 Ill. Adm. Code 401 Accrediting Persons in the Practice of Medical Radiation Technology (P-982)
- 32 Ill. Adm. Code 332 Licensing Requirements for Source Material Milling Facilities (P-5874)
- 32 Ill. Adm. Code 410 Radiation Inspectors & Inspections (P-13841/88; A-342)
- 32 Ill. Adm. Code 360 Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, & Veterinary Medicine (P-13858/88; A-803)

POLLUTION CONTROL BOARD

- 35 Ill. Adm. Code 243 Air Quality Standards (P-19290/88; W-2536)
- 35 Ill. Adm. Code 211 Definitions & General Provisions (P-19296/88; W-2537)
- 35 Ill. Adm. Code 304 Effluent Standards (P-11669/88; A-851) (P-11397/88; A-2060) (P-15815/88; A-5976)
- 35 Ill. Adm. Code 604 Finished Water & Raw Water Quality & Quantity (P-255)
- 35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-15327/88; A-362)
- 35 Ill. Adm. Code 721 Identification & Listing of Hazardous Waste (P-15347/88; A-382)
- 35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15402/88; A-437)
- 35 Ill. Adm. Code 301 Introduction (P-15823/88; A-5984)
- 35 Ill. Adm. Code 601 Introduction (P-262)
- 35 Ill. Adm. Code 305 Monitoring & Reporting (P-15835/88; A-5989)
- 35 Ill. Adm. Code 309 Permits (P-15839/88; A-5993)
- 35 Ill. Adm. Code 201 Permits & General Provisions (P-5154/88; O-20221/88; R-1624; A-2066)
- 35 Ill. Adm. Code 310 Pretreatment Programs (P-16384/88; A-2463)
- 35 Ill. Adm. Code 703 RCRA Permit Program (P-15444/88; A-447)
- 35 Ill. Adm. Code 605 Sampling & Monitoring (P-269; C-2539)
- 35 Ill. Adm. Code 307 Sewer Discharge Criteria (P-16396/88; A-1794)
- 35 Ill. Adm. Code 722 Standards Applicable to Generators of Hazardous Waste (P-15449/88; A-452)
- 35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15455/88; A-458)
- 35 Ill. Adm. Code 704 UIC Permit Program (P-17167/88; A-478)
- 35 Ill. Adm. Code 731 Underground Storage Tanks (P-2650)
- 35 Ill. Adm. Code 302 Water Quality Standards (P-15844/88; A-5998)

PRISONER REVIEW BOARD

- 20 Ill. Adm. Code 1610 Prisoner Review Board (P-4774/88; A-3063)

PROFESSIONAL REGULATION, DEPARTMENT OF

- 68 Ill. Adm. Code 1175 Barber, Cosmetology & Esthetics Act of 1985, The (E-6810)
- 68 Ill. Adm. Code 1400 Clinical Psychologist Licensing Act (E-2519)
- 68 Ill. Adm. Code 1470 Clinical Social Work & Social Work Practice Act (E-5771)
- 68 Ill. Adm. Code 1220 Dental Practice Act (P-5867/88; O-3444; RC-3447; R-4306; A-4191) (P-5398)
- 68 Ill. Adm. Code 1250 Funeral Directors & Embalmers Act (P-3535)
- 68 Ill. Adm. Code 1465 Ill. Speech-Language Pathology & Audiology Practice Act, The (P-1388) (E-1616)
- 68 Ill. Adm. Code 1480 Ill. Structural Engineering Act, The (P-5424) (E-5781)
- 68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (P-274) (P-8571/88; A-483) (E-651; O-3475)
- 68 Ill. Adm. Code 1280 Medical Practice Act of 1987 (PR-8536/88; AR-513)
- 68 Ill. Adm. Code 1360 Podiatric Act, The (P-14963/88; O-3450; RC-3452)
- 68 Ill. Adm. Code 1360 Podiatric Medical Practice Act of 1987 (P-14963/88; O-3450; RC-3452; R-4308; A-3234)
- 68 Ill. Adm. Code 1400 Psychologist Registration Act (P-2913)
- 68 Ill. Adm. Code 1470 Social Workers Registration Act (P-5426)
- 68 Ill. Adm. Code 1500 Veterinary Medicine & Surgery Practice Act (P-18100/88; A-3826)

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

APRIL 28, 1989

VOL. 13, ISSUE #17

PUBLIC HEALTH, DEPARTMENT OF

- 89 III. Adm. Code 130 Administration of Social Service Programs (P-20649/88; A-3831) (P-4469)
- 89 III. Adm. Code 112 Aid to Families with Dependent Children (P-15905/88; A-70) (P-1948) (P-2236) (P-4116) (P-20661/88; A-6017) (P-22308/88; A-6017)
- 89 III. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-15898/88; A-63) (E-3402) (P-4481) (P-5440) (P-20654/88; A-6007) (P-22299/88; A-6007)
- 89 III. Adm. Code 110 Application Process (P-2931) (P-20670/88; A-3836)
- 89 III. Adm. Code 111 Assistance Standards (P-15920/88; A-85) (P-20674/88; A-3840)
- 89 III. Adm. Code 160 Child Support Enforcement (P-1396) (P-20677/88; A-4268) (P-21039/88; A-4268)
- 89 III. Adm. Code 165 Collections & Recoveries (P-20679/88; A-3843) (P-3450)
- 89 III. Adm. Code 116 Crisis Assistance (P-20683/88; A-3847)
- 89 III. Adm. Code 170 Demonstration Programs (P-4490)
- 89 III. Adm. Code 141 Drug Manual (P-15483/88; A-516) (P-20370/88; A-3850)
- 89 III. Adm. Code 121 Food Stamps (P-3541) (P-20686/88; A-3890)
- 89 III. Adm. Code 101 General Administrative Provisions (P-20694/88; A-3897)
- 89 III. Adm. Code 114 General Assistance (P-14996/88; A-89) (P-17621/88; A-1546) (P-1959)
- 89 III. Adm. Code 149 III. Competitive Access & Reimbursement Equity (ICARE) Program (P-13917/88; A-554) (P-3553)
- 89 III. Adm. Code 120 Medical Assistance Programs (P-15938/88; A-116) (P-17633/88; A-2081) (P-3281) (P-20705/88; A-3908)
- 89 III. Adm. Code 140 Medical Payment (P-11995/88; A-125; CC-2543) (P-16421/88; O-1259; M-3195; A-3069) (P-17172/88; O-1263; R-2538; A-2475) (P-1420) (P-2937) (P-3295) (P-5958/88; A-3351) (P-12976/88; A-3917) (P-17643/88; A-5115) (P-5465) (P-11701/88; A-5718) (P-17172/88; A-5718)
- 89 III. Adm. Code 115 Refugee/Entrant/Repatriate Program (P-2702) (P-20735/88; A-3932)
- 89 III. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-10627/88; O-20231/88; R-677; A-559) (P-3562) (P-17201/88; O-5800)
- 89 III. Adm. Code 117 Related Program Provisions (P-20739/88; A-3936) (P-5487)
- 89 III. Adm. Code 102 Rights & Responsibilities (P-20743/88; A-3940)
- 89 III. Adm. Code 104 Rules of Practice in Administrative Hearings (P-2958) (P-20747/88; A-3944)
- 89 III. Adm. Code 118 Special Eligibility Groups (P-20753/88; A-3950)
- 89 III. Adm. Code 103 Support Responsibility of Relatives (P-17667/88; A-2496) (P-20757/88; A-3954)
- PUBLIC HEALTH, DEPARTMENT OF**
- 77 III. Adm. Code 200 Alcoholism & Intoxication Treatment Programs (PR-17673/88; A-4681)
- 77 III. Adm. Code 855 Asbestos Abatement for Public & Private Schools in Ill. (P-6364/88; A-2768)
- 77 III. Adm. Code 450 Clinical Laboratories & Blood Banks (P-2249) (P-19327/88; A-4285)
- 77 III. Adm. Code 694 College Immunization Code (P-5491)
- 77 III. Adm. Code 535 Emergency Medical Services (P-4126) (P-4500)
- 77 III. Adm. Code 750 Food Service Sanitation Code (P-14113/88; A-1819)
- 77 III. Adm. Code 490 Food Bank Code (P-2974)
- 77 III. Adm. Code 790 Formulary for the Drug Product Selection Program, The (P-12991/88; A-856) (P-16425/88; A-856) (P-3015) (E-3108)
- 77 III. Adm. Code 890 III. Plumbing Code (P-4543)
- 77 III. Adm. Code 540 III. Trauma Center Code (P-4616)
- 77 III. Adm. Code 350 Intermediate Care for the Developmentally Disabled Facilities Code (P-21621/88; A-6040)
- 77 III. Adm. Code 390 Long Term Care for Under Age 22 Facilities Code (P-21064/88; A-6301)
- 77 III. Adm. Code 661 Newborn Metabolic Screening & Treatment Code (P-3599)
- 77 III. Adm. Code 635 Program Content & Guidelines for Title X Family Planning Services (P-5505)
- 77 III. Adm. Code 380 Residential Rehabilitation Facilities Code (P-987)
- 77 III. Adm. Code 760 Retail Food Store Sanitation Code (P-14115/88; A-1830)
- 77 III. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, & Cosmetics (P-7265/88; A-2517)
- 77 III. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices & Cosmetics (P-7272/88; A-2502)
- 77 III. Adm. Code 330 Sheltered Care Facilities Code (P-21893/88; A-6562)

CI - 7

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

APRIL 28, 1989

VOL. 13, ISSUE #17

PUBLIC HEALTH, DEPARTMENT OF (CONT'D)

- 77 III. Adm. Code 300 Skilled Nursing & Intermediate Care Facilities Code (P-21333/88; A-4684) (P-13581/88; A-5134)
- 77 III. Adm. Code 830 Structural Pest Control Code (P-3325/88; A-2090)
- 77 III. Adm. Code 542 Trauma Nurse Specialist Course Code (P-4544/88; A-3086)
- PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD**
- 77 III. Adm. Code 1150 Certificate of Need for Health Maintenance Organizations (PR-5580)
- 77 III. Adm. Code 1100 Narrative & Planning Policies (P-5596)
- 77 III. Adm. Code 1110 Processing, Classification Policies & Review Criteria (P-5619)
- RACING BOARD, ILLINOIS**
- 11 III. Adm. Code 422 Approval of Racing Officials (P-13922/88; A-1558)
- 11 III. Adm. Code 208 Charitable Funds (P-13926/88; O-20234/88; M-1250; A-1232)
- 11 III. Adm. Code 437 County Fair Regs. (P-1099; O-5802)
- 11 III. Adm. Code 502 Licensing (P-17755/88; A-1562) (P-18105/88; A-4931)
- 11 III. Adm. Code 1409 Ownership, Partnership & Stable Name (P-17761/88; O-1266; R-1906; A-1841)
- 11 III. Adm. Code 417 Pick Six Rules (E-1899; O-5811) (P-1979)
- 11 III. Adm. Code 1308 Racing, Farm, Corporate or Stable Name (P-17766/88; O-1268; R-2167; A-2156)
- 11 III. Adm. Code 1410 Trainers & Owners (P-4345; A-1846)
- RECORDS COMMISSION, STATE**
- 44 III. Adm. Code 4400 State Records Commission (P-44)
- REGENTS, BOARD OF**
- 44 III. Adm. Code 525 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2709)
- 44 III. Adm. Code 526 Procurement from Minority & Female Owned Business Enterprises (P-2746)
- REHABILITATION SERVICES, DEPARTMENT OF**
- 89 III. Adm. Code 510 Administrative Reviews & Hearings (PR-3020)
- 89 III. Adm. Code 557 Application (P-5914)
- 89 III. Adm. Code 510 Appeals & Hearings (P-3036)
- 89 III. Adm. Code 520 Authorization (P-6911/88; A-5149)
- 89 III. Adm. Code 562 Client Financial Participation (P-4685/88; A-2866)
- 89 III. Adm. Code 530 Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities (P-3565/88; A-141)
- 89 III. Adm. Code 843 Disability Case Development Process (P-15015/88; A-4298)
- 89 III. Adm. Code 552 Eligibility (P-52; W-4309) (P-277)
- 89 III. Adm. Code 765 Establishment & Administration of Special Education, The (P-13948/88; A-5154)
- 89 III. Adm. Code 850 Medical Improvement Review Standard for Continuing Disability (P-8910/88; A-22454/88; CC-3196)
- 89 III. Adm. Code 587 Medical, Psychological & Related Services (P-2192/88; A-1850)
- 89 III. Adm. Code 685 Non-Financial Eligibility Criteria (P-15023/88; A-5158)
- 89 III. Adm. Code 714 Non-Homemaker Service Provider Requirements (P-4152)
- 89 III. Adm. Code 607 Other Services (P-56) (E-225; O-3478)
- 89 III. Adm. Code 675 Program Description (P-13956/88; A-6768)
- 89 III. Adm. Code 700 Service Plan Development (P-10409/88; A-3101)
- 89 III. Adm. Code 845 Sequential Evaluation Process for the Determination of Disability (P-4641)
- 89 III. Adm. Code 829 Sex Equity (P-5990/88; A-5755)
- 89 III. Adm. Code 567 Similar Benefits (P-281)
- 89 III. Adm. Code 597 Tools, Equipment, Supplies & Initial Stock (P-2197/88; A-1568)
- 89 III. Adm. Code 895 Total Life Planning Program (P-3310)
- 89 III. Adm. Code 592 Training Services (P-2092/88; A-1573)

CI - 8

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

APRIL 28, 1989

VOL. 13, ISSUE #17

RETIREMENT SYSTEM OF ILLINOIS, STATE EMPLOYEES

Administration & Operation of the State Employees' Retirement System of Ill. - Social Security Unit, The (P-14122/88; O-22492/88; R-1626; A-1577)

REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 425 Alcoholic Liquor - - Hearings (PR-19976/88; AR-6780)
86 Ill. Adm. Code 425 Board of Appeals (P-11060/88; A-6782)
86 Ill. Adm. Code 445 Cigarette Tax Act - - Hearings (PR-19981/88; AR-6785)
86 Ill. Adm. Code 455 Cigarette Use Tax Act - - Hearings (PR-19987/88; AR-6787)
86 Ill. Adm. Code 600 County Supplementary Retailers' Occupation Tax Regs. (P-1448)
86 Ill. Adm. Code 610 County Supplementary Service Occupation Tax Regs. (P-1460)
86 Ill. Adm. Code 620 County Supplementary Use Tax Regs. (P-1468)
86 Ill. Adm. Code 630 County Water Commission Retailers' Occupation Tax Regs. (P-1473)
86 Ill. Adm. Code 640 County Water Commission Service Occupation Tax Regs. (P-1485)
86 Ill. Adm. Code 650 County Water Commission Use Tax Regs. (P-1493)
86 Ill. Adm. Code 100 Income Tax Regs. (P-768) (P-2383)
86 Ill. Adm. Code 200 Practice & Procedure for Hearings Before the Ill. Department of Revenue (P-19993/88; A-6789)

86 Ill. Adm. Code 110 Property Tax/Revenue Act of 1939 (P-20007/88; A-6803)
86 Ill. Adm. Code 432 Pull Tabs & Jar Games Act (P-15027/88; A-191)
86 Ill. Adm. Code 200 Retailers' Occupation Tax Hearings (PR-20012/88; AR-6808)
86 Ill. Adm. Code 530 Senior Citizens & Disabled Persons Property Tax Relief & Pharmaceutical Assistance Act (P-11104/88; A-1589)

86 Ill. Adm. Code 525 Tax Increment Allocation Financing (E-5788)
86 Ill. Adm. Code 151 Vehicle Use Tax Regs. (P-1498)

SAVINGS AND LOAN ASSOCIATIONS, COMMISSIONER OR

38 Ill. Adm. Code 400 Ill. Savings & Loan Act of 1985 (P-1985)

SCHOLARSHIP COMMISSION, STATE

23 Ill. Adm. Code 1720 Guaranteed Loan Programs (P-15047/88; A-2872) (P-18114/88; RC-5805)

SECRETARY OF STATE

92 Ill. Adm. Code 1040 Cancellation, Revocation or Suspension of Licenses or Permits (P-15947/88; A-1593) (P-17259/88; A-5162)
92 Ill. Adm. Code 1010 Certificates of Title, Registration of Vehicles (P-1103) (P-16432/88; A-1598) (P-19642/88; A-5173) (P-5655)
92 Ill. Adm. Code 1003 Collection of Fees (P-20019/88; O-3454; RC-3458)
14 Ill. Adm. Code 177 Credit Services Organizations (P-20434/88; A-4937)
92 Ill. Adm. Code 1020 Dealers, Wreckers, Transporters & Rebuilders (P-5665)
92 Ill. Adm. Code 1000 General Rules, Definitions (P-3316) (P-17269/88; A-5185)
23 Ill. Adm. Code 3030 Ill. Library System Act, The (P-12180/88; A-1244)
92 Ill. Adm. Code 1030 Issuance of Licenses (P-2395) (P-2753) (P-3324) (P-3611) (P-17275/88; A-5192)
14 Ill. Adm. Code 176 Notary Public Records (P-17770/89; A-5197)
92 Ill. Adm. Code 1019 Remittance Agents (P-19652/88; A-4944)

SOUTHERN ILLINOIS UNIVERSITY, BOARD OF TRUSTEES OF

44 Ill. Adm. Code 540 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2764)

STATE POLICE, DEPARTMENT OF

20 Ill. Adm. Code 1295 Certification & Training of Electronic Criminal Surveillance Officers (P-17064/88; RC-1270; A-1856)

STATE POLICE MERIT BOARD, DEPARTMENT OF

80 Ill. Adm. Code 150 Procedures of the Department of State Police Merit Board (P-16438/88; A-5201)

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

APRIL 28, 1989

VOL. 13, ISSUE #17

TRANSPORTATION, DEPARTMENT OF

92 Ill. Adm. Code 177 Carriage by Public Highway (P-20027/88; A-3957)
92 Ill. Adm. Code 10 Disadvantaged, Minority & Woman-Owned Businesses (P-19365/88; A-3962)
92 Ill. Adm. Code 545 Financing the Installation & Maintenance of School Traffic Signals & Commercial-Industrial Traffic Signals on State Highways (P-1111)
92 Ill. Adm. Code 708 Floodway Construction in Northeastern Ill. (P-1503)
92 Ill. Adm. Code 171 General Information, Regs., & Definitions (P-20032/88; A-3984)
92 Ill. Adm. Code 172 Hazardous Materials Table & Hazardous Materials Communications (P-20040/88; A-3993)
92 Ill. Adm. Code 448 Official Testing Stations (P-1127)
92 Ill. Adm. Code 96 Pal-Waukee Municipal Airport Hazard-Zoning (P-15049/88; A-3384)
92 Ill. Adm. Code 178 Shippers General Requirements for Shipments & Packagings (P-20055/88; A-3998)
92 Ill. Adm. Code 178 Shipping Container Specifications (P-20045/88; A-4004)
92 Ill. Adm. Code 452 Vehicle Inspection Stations Governing School Buses (PR-16447/88; W-2881)
92 Ill. Adm. Code 451 Vehicle Inspections (P-16536/88; W-2882)
92 Ill. Adm. Code 534 Vending Machines in Rest Areas (P-15952/88; A-1866) (P-2760)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda

January 9, 1989

March 1, 1989

April 5, 1989

Second Notices Received

242, 668, 969, 1275, 1628, 1907, 2208, 2565, 2884, 3203, 3501, 4056, 4321, 4958, 5211, 5820, 6820

PUBLIC HEARINGS ON PROPOSED RULES

FIRE MARSHAL, OFFICE OF THE STATE

41 Ill. Adm. Code 100 Fire Prevention & Safety

POLLUTION CONTROL BOARD

35 Ill. Adm. Code 615 Standards for Existing Activities Located Within a Setback Zone or Regulated Recharge Area
35 Ill. Adm. Code 616 Standards for New Activities Located Within a Setback Zone or Regulated Recharge Area

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks
77 Ill. Adm. Code 694 College Immunization Code
77 Ill. Adm. Code 490 Ill. Blood Bank Code

PUBLIC INFORMATION

BANKS AND TRUST COMPANIES, COMMISSIONER OF

Notice of Acceptance of an Application by Commerce Bancshares, Inc., Kansas City, Missouri, to Acquire First Bankers Trustshares, Inc., Quincy, Illinois
Notice of Acceptance of an Application by First Bankers, Inc., St. Louis, Missouri, to Acquire the Salem National Bank, Salem, Illinois
Notice of Acceptance of an Application by First of America Bank Corporation to Acquire Whiteside County Bank
Notice of Acceptance of an Application by Old National Bancorp to Acquire the First National Bank of Harrisburg

PUBLIC INFORMATION (CONT'D)

LABOR, DEPARTMENT OF

- List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Project 3201
- List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Project 3202

REVENUE, DEPARTMENT OF

- Index of Letter Rulings (Fourth Quarter of 1988) (ROT) 2170
- Index of Letter Rulings (Fourth Quarter of 1988) (Income Tax) 3481

REGULATORY AGENDA

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 230 Older Americans Act Programs 3197

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

- 89-1 Rescinding Executive Order 85-2 & Establishing the Ill. Planning Council on Developmental Disabilities 2212
- 89-2 Executive Order Creating A Science & Technology Advisor to the Governor 4960

PROCLAMATIONS

- 89-001 James R. Wolfe's Memorial Award Day 669
- 89-002 Chicago Opera Theater Week 670
- 89-003 American History Month 671
- 89-004 Congratulates Frank R. Adams 672
- 89-005 Vocational Education Week 673
- 89-006 Volunteer Connection Day 674
- 89-007 Cerebral Palsy Month 675
- 89-008 Four Chaplains Sunday 676
- 89-009 Homemakers Extension Association Week 677
- 89-010 Ill. Trail Appreciation Month 678
- 89-010 Ill. Trail Appreciation Month (Revised) 1277
- 89-011 School Social Work Week 679
- 89-012 American Savings & Loan/100th Anniversary 680
- 89-013 Center For Children's Services Day 681
- 89-014 Child Find Month 682
- 89-015 Jaycee Week 683
- 89-016 Commissioned Corps of the United States Public Health Service Day 684
- 89-017 Ill. Salutes India Month 971
- 89-018 Junior Achievement Week 972
- 89-019 Kiwanis Week 973
- 89-020 Land Surveyors' Month 974
- 89-021 Smiles for Little City Days 975
- 89-022 Chicago Advertising Woman of the Year Week 976
- 89-023 Dr. Martin Luther King Day 977
- 89-024 Declares the Counties of Edwards, Wabash, Wayne & White to be Disaster Areas 1278
- 89-025 ROTC Week 1279
- 89-026 Seed Month 1280
- 89-027 Amateur Athletic Union Physique Day 1281
- 89-028 Nutrition Month 1629
- 89-029 American Homeless Awareness Day 1630
- 89-030 Community Action Day 1631
- 89-031 Orchid Week

PROCLAMATIONS (CONT'D)

- 89-032 Sales & Marketing Month 1632
- 89-033 Poison Prevention Week 1633
- 89-034 Ukrainian Independence Day 1634
- 89-035 Free Enterprise Week 1635
- 89-036 Snowmobile Safety Week 1636
- 89-037 Women in Sports Day 1637
- 89-038 Burn Awareness Week 1909
- 89-039 Earth Day 1910
- 89-040 Ill. Jaycee Week 1911
- 89-041 Ill. Lumber & Material Dealers Days 1912
- 89-042 Consumers Week 1913
- 89-043 African-American History Month 1914
- 89-044 Lions of Ill. Eye Bank Day 1915
- 89-045 Black History Month 2219
- 89-046 Employ the Older Worker Week 2220
- 89-047 Future Business Leaders of America-Phi Beta Lambda Month 2221
- 89-048 Lithuanian Independence Day 2222
- 89-049 United States Power Squadrons Day 2223
- 89-050 Cardiac Rehabilitation Week 2224
- 89-051 Future Farmers of America Week 2225
- 89-052 Labor-Management Cooperation Week 2226
- 89-053 STC's International Technical Communication Week 2227
- 89-054 Engineers Week 2228
- 89-055 DuPage County Sequicentennial 2568
- 89-056 Tornado Preparedness Week 2569
- 89-057 Legislators' Fitness Day 2570
- 89-058 Rehabilitation Facilities Week 2887
- 89-059 Recognizes John G. Gilbert 2888
- 89-060 Grammy Awards Celebration Day 3205
- 89-061 Listening Awareness Day 3206
- 89-062 RP Awareness Day 3207
- 89-063 St. David's Day 3208
- 89-064 Women's History Month 3209
- 89-065 Casimir Pulaski Day 3210
- 89-066 Ill. State Quarter Convention Week 3211
- 89-067 Youth Art Month 3212
- 89-068 Viet Nam Veterans Day 3503
- 89-069 International Demolay Week 3504
- 89-070 Agriculture Week 3505
- 89-071 Herman Bryant Day 3506
- 89-072 Four Seasons Hotel Chicago Opening Day 3507
- 89-073 City of Belleville Year 3508
- 89-074 Shamrocks Against Dystrophy Days in Ill. 3509
- 89-075 Technical Education Week 3510
- 89-076 Pharmacy Day 4057
- 89-077 Arts Education Week 4058
- 89-078 Biomedical Equipment Technology Week 4059
- 89-079 U. S. Savings Bond Month 4060
- 89-080 Congratulates Top Ladies of Distinction 4061
- 89-081 Earthquake Awareness Week 4062
- 89-082 Home Center Week 4063
- 89-083 Junior League of Springfield Appreciation Week 4064
- 89-084 Licensed Practical Nurse Week 4065
- 89-085 POW-MIA Day 4066
- 89-086 Professional Social Work Month 4067

PROCLAMATIONS (CONT'D)

89-087	Rochelle Lee Fund Day	4068
89-088	School Psychology Week	4069
89-089	Call Before You Dig Month	4070
89-090	Ill. Veterans Affairs Day	4323
89-091	Marine Night Fighter Association Days	4324
89-092	Recognizes Clarence Darrow Community Center/Honors George Kalindonis	4325
89-093	Surgical Technologist Week	4326
89-094	Auctioneer's Week	4327
89-095	Ill. Clean & Beautiful & Tree City USA Appreciation Month	4328
89-096	Volunteer Week	4329
89-097	Belarusian/Bylorussian Day	4962
89-098	Breastfeeding Promotion Month	4963
89-099	High Blood Pressure Month	4964
89-100	Jesse White Day	4965
89-101	Library Week	4966
89-102	Library Week (Revised)	6823
89-103	Professional Secretaries Week/Professional Secretaries Day	4967
89-104	School Library Day	4968
89-105	Veterinary Medical Education Week	4969
89-106	American Vintage Wristwatch Day	4970
89-107	Gamma Phi Circus Week	4971
89-108	Ill. Employee Fitness Day	4972
89-109	Parks & Recreation Month	4973
89-110	Building Safety Week	4974
89-111	Groundwater Protection Month	4975
89-112	Ill. Cooperative Extension Day	4976
89-113	Ill. Industry Appreciation Day	4977
89-114	Post Anesthesia Nurse Awareness Week	4978
89-115	Recycling Week	4979
89-116	Public Health Professionals: Peers & Partners Week	4980
89-117	Business Opportunity Days	4981
89-118	Drinking Water Week	4982
89-119	Ill. Science Day	4983
89-120	Irv Kupcinet Day	5212
89-121	Keep America Beautiful Month	5213
89-122	Lioness Caramel Corn Day	5214
89-123	Medical Laboratory Week	5215
89-124	State Horseradish Festival Day	5216
89-125	Stroke Club Day	5217
89-126	United Insurance Company of America Day	5218
89-127	Youth Temperance Education Week	5219
89-128	His Eminence Archbishop Iakovos/30th Anniversary	5220
89-129	Rainbow House/Arco Iris Day	5221
89-130	Days of Remembrance	5222
89-131	Deputy Chief Gerald B. Creed Day	5223
89-132	Lake & Watershed Management Month	5224
89-133	Student Athlete Day	5822
89-134	Corfu-Tasty Gyros, Inc. Day	5823
89-135	Recognizes the 35th Anniversary of the Nu Iota Chapter of Alpha Omicron Pi	5824
89-136	Ted Liss Day	5825
89-137	New Homes Month	5826
89-138	Queen Isabella Day	5827
89-139	Coin Week	5828
89-140	Hyde Park Art Center Day	5829
	Job's Daughters Week	5830

PROCLAMATIONS (CONT'D)

89-141	Medical Assistants' Week	5831
89-142	Rural Electric Youth Day	5832
89-143	Special Olympics Week	5833
89-144	Ill. Historical Library Month	5834
89-145	Victim Rights Week	5835
89-146	Welcome Home Chuck Marshall Day	5836
89-147	James & Sybil Stockdale Day	5837
89-148	Design-Drafting Week	6824
89-149	Belarusian Independence Day	6835
89-150	Child Abuse Prevention Month	6836
89-151	Earth Week	6837
89-152	Grade Crossing Safety Week	6838
89-153	Music Week	6839
89-154	Small Business Week	6840
89-155	Adopt-A-Cat Month	6841
89-156	Child Support Awareness Day	6842
89-157	Croatian Independence Day	6843
89-158	Displaced Homemakers' Week	6844
89-159	Food & Beverage Packaging Week	6845
89-160	Motorcycle Awareness Month	6846
89-161	Older Americans Month	6847
89-162	Public Service Recognition Week	6848
89-163	Space Development Week	6849
89-164	CMM7 - Converting Machinery/Materials Day	6850
89-165	Community Mental Health Services Week	6851
89-166	Entrepreneur Achievement Week	6852
89-167	Goodwill Industries Week	6853
89-168	Nursing: The Heartbeat of Health Care Days In Chicago Day	6854
89-169	Pan American Week	6855
89-170	Credit Education Week	6856
89-171	Dr. Jack L. Greider Day	6857
89-172	Commemorates Warsaw Ghetto Uprising	6858
89-173	Day of Prayer	6859
89-174	Municipal Clerks Week	6860
89-175	Subcontractors Month	6861

The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/86; A-724). The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am = amendment to existing Section	A = Adopted rule	O = ICAR Objection	
cc = codification changes	C = Correction	P = Proposed rule	
n = new Section	CC = Codification Changes	PF = Prohibited Filing	
r = repeal of existing Section	E = Emergency rule	PP = Peremptory rule	
rc = reclassified	F = Failure to Remedy Objections	R = Refusal to Modify or Withdraw	
# = renumbered	M = Modification	RC = ICAR Recommendation	
		S = Suspended rule	
		W = Withdrawal of Proposed rule	

TITLE 2 (CONT'D)		TITLE 8 (CONT'D)	
700.Ap. D (A-5066)	5025.310 n (A-3747)	125.10 am (PP-228)	1770.100 n (P-10298/88; O-3419)
850.15 n (A-1510)	5025.320 n (A-3747)	125.60 am (P-1921/88; A-3696)	1770.110 n (P-10298/88; O-3419)
850.20 am (A-1510)	5025.Ap. A r (A-3742)	125.80 am (P-1921/88; A-3696)	1770.120 n (P-10298/88; O-3419)
850.30 am (A-1510)		125.260 am (PP-228)	1770.130 n (P-10298/88; O-3419)
850.110 am (A-1510)		125.270 am (PP-228)	1770.140 n (P-10298/88; O-3419)
850.120 am (A-1510)		125.305 am (PP-2160)	1770.150 n (P-10298/88; O-3419)
850.130 am (A-1510)		230.20 am (P-3511) (E-4015)	1770.160 n (P-10298/88; O-3419)
850.205 n (A-1510)		255.10 n (P-2571)	1770.170 n (P-10298/88; O-3419)
850.220 am (A-1510)		255.20 n (P-2571)	1770.180 n (P-10298/88; O-3419)
850.230 am (A-1510)		255.30 n (P-2571)	1770.190 n (P-10298/88; O-3419)
850.240 am (A-1510)		255.40 n (P-2571)	1770.200 n (P-10298/88; O-3419)
850.Tb. A (A-1510)		255.50 n (P-2571)	
850.Tb. B am (A-1510)		255.60 n (P-2571)	
850.Tb. C am (A-1510)		255.70 n (P-2571)	
850.Tb. D am (A-1510)		255.80 n (P-2571)	
850.Tb. E am (A-1510)		255.90 n (P-2571)	
850.Tb. G am (A-1510)		255.100 n (P-2571)	
850.Tb. H am (A-1510)		255.110 n (P-2571)	
5025.10 r (A-3742)		255.120 n (P-2571)	
5025.110 n (A-3747)		255.130 n (P-2571)	
5025.120 n (A-3747)		255.140 n (P-2571)	
5025.130 n (A-3747)		255.150 n (P-2571)	
5025.140 n (A-3747)		255.160 n (P-2571)	
5025.150 n (A-3747)		255.170 n (P-2571)	
5025.160 n (A-3747)		505.10 am (P-1980/88; A-3703)	
5025.170 n (A-3747)		505.20 am (P-1980/88; A-3703)	
5025.180 n (A-3747)		505.25 am (P-1980/88; A-3703)	
5025.210 n (A-3747)		505.240 am (P-1980/88; A-3703)	
5025.210 r (A-3742)		505.280 am (P-1980/88; A-3703)	
5025.220 r (A-3742)		505.310 am (P-1980/88; A-3703)	
5025.230 r (A-3742)		700.Ap. F am (P-2598)	
		700.Ap. G am (P-1713/88; A-3653)	
		700.Ap. I am (P-1478/88; A-285)	
		1400.147 am (P-5545/88; A-2440)	
		1400.149 am (P-5545/88; A-2440)	

TITLE 11 (CONT'D)		TITLE 14	
208.10 n (P-1392/88; O-2023/88; R-1250; M-1250; A-1232)	176.11 am (P-1770/88; A-5197)	176.11 am (P-1770/88; A-5197)	
208.20 n (P-1392/88; O-2023/88; R-1250; A-1232)	177.10 n (P-2043/88; A-4937)	177.10 n (P-2043/88; A-4937)	
208.30 n (P-1392/88; O-2023/88; R-1250; A-1232)	177.20 n (P-2043/88; A-4937)	177.20 n (P-2043/88; A-4937)	
208.40 n (P-1392/88; O-2023/88; R-1250; A-1232)	177.30 n (P-2043/88; A-4937)	177.30 n (P-2043/88; A-4937)	
208.100 n (P-1392/88; O-2023/88; R-1250; A-1232)	177.11 A n (P-2043/88; A-4937)	177.11 A n (P-2043/88; A-4937)	
208.110 n (P-1392/88; O-2023/88; R-1250; A-1232)	177.11 B n (P-2043/88; A-4937)	177.11 B n (P-2043/88; A-4937)	
208.120 n (P-1392/88; O-2023/88; R-1250; A-1232)	520.700 am (P-4985)	520.700 am (P-4985)	
417.30 am (E-1899; O-5811) (P-1979)	520.720 am (P-4985)	520.720 am (P-4985)	
417.35 n (E-1899; O-5811) (P-1979)	520.730 am (P-4985)	520.730 am (P-4985)	
417.100 n (E-1899; O-5811) (P-1979)	520.740 am (P-4985)	520.740 am (P-4985)	
422.20 n (P-1392/88; A-1558)	520.750 n (P-4985)	520.750 n (P-4985)	
437.10 n (P-1099; O-5802)	520.1000 am (P-4985)	520.1000 am (P-4985)	
	520.1010 am (P-4985)	520.1010 am (P-4985)	
	520.1020 am (P-4985)	520.1020 am (P-4985)	

TITLE 14 (CONT'D)

520.1030	am	(P-4985)
570.30	am	(P-20714/87; A-58)
590.10	am	(P-15249/88; A-2028)
590.80	n	(P-15249/88; A-2028)
590.81	n	(P-15249/88; A-2028)
590.90	n	(P-15249/88; A-2028)
590.91	n	(P-15249/88; A-2028)
590.92	n	(P-15249/88; A-2028)
590.93	n	(P-15249/88; A-2028)
620.10	am	(P-14797/88; A-1758)
620.30	am	(P-14797/88; A-1758)
620.40	am	(P-14797/88; A-1758)
620.50	am	(P-14797/88; A-1758)
620.60	am	(P-14797/88; A-1758)
620.70	am	(P-14797/88; A-1758)
620.80	am	(P-14797/88; A-1758)
620.90	am	(P-14797/88; A-1758)
630.20	am	(P-4987/88; A-4164)
630.40	am	(P-4987/88; A-4164)

TITLE 17

110.30	am	(P-20363/88; A-3785)
110.45	am	(P-20363/88; A-3785)
110.60	am	(P-20363/88; A-3785)
110.70	am	(P-20363/88; A-3785)
110.90	am	(P-20363/88; A-3785)
110.120	am	(P-20363/88; A-3785)
110.150	am	(P-20363/88; A-3785)
110.180	am	(P-20363/88; A-3785)
220.10	n	(P-731)
220.20	n	(P-731)
220.30	n	(P-731)
220.40	n	(P-731)
220.50	n	(P-731)
220.60	n	(P-731)
220.70	n	(P-731)
220.80	n	(P-731)
220.90	n	(P-731)
230.10	n	(P-4430)
230.20	n	(P-4430)
230.30	n	(P-4430)
230.40	n	(P-4430)
230.50	n	(P-4430)
510.10	am	(P-3268)
530.20	am	(P-4399)
530.70	am	(P-4399)
530.80	am	(P-4399)
530.90	am	(P-4399)
530.100	am	(P-4399)
530.105	am	(P-4399)
530.110	am	(P-4399)
530.30	am	(P-3273)
570.40	am	(P-5087/88; A-12034/88; O-3468)
570.20	am	(P-2632)
570.30	am	(P-2632)
570.40	am	(P-2632)

TITLE 17 (CONT'D)

1560.70	n	(P-2626)
1560.80	n	(P-2626)
1560.90	n	(P-2626)
1590.110	am	(P-2622)
1590.120	am	(P-2622)
2030.20	am	(P-4417)
2030.30	am	(P-4417)
2030.40	am	(P-4417)
2030.50	am	(P-4417)
2030.60	n	(E-2878; P-4417)

TITLE 20

107.170	r	(P-979)
502.40	am	(P-3528)
1295.10	n	(P-17064/88; A-1856)
1295.20	n	(P-17064/88; A-1856)
1295.30	n	(P-17064/88; A-1856)
1295.40	n	(P-17064/88; A-1856)
1295.50	n	(P-17064/88; A-1856)
1295.60	n	(P-17064/88; A-1856)
1295.70	n	(P-17064/88; A-1856)
1295.80	n	(P-17064/88; A-1856)
1520.10	am	(P-1317) (E-1605)
1520.46	n	(P-1317) (E-1605)
1520.50	am	(P-1317) (E-1605)
1610.70	am	(P-4774/88; A-3063)

TITLE 23

120.130	n	(P-19266/88; O-3416)
227.10	am	(P-4097)
227.12	n	(P-4097)
227.14	n	(P-4097)
227.16	n	(P-4097)
227.18	n	(P-4097)
227.30	am	(P-4097)
227.40	am	(P-4097)
230.10	am	(P-12747/88; A-1535)
230.30	am	(P-12747/88; A-1535)
230.60	am	(P-12747/88; A-1535)
275.90	am	(P-12747/88; A-1535)
500.20	am	(P-1730)
500.50	am	(P-1730)
500.120	n	(P-1730)
1501.307	am	(P-4087)
1501.309	am	(P-4087)
1501.501	am	(P-3517)
1501.503	am	(P-3517)
1501.508	am	(P-3517)
1501.509	am	(P-16313/88; A-1182)
1501.517	n	(P-4394)
1720.40	am	(P-18114/88; RC-5805)
1720.60	am	(P-18114/88; RC-5805)
1720.75	r	(P-18114/88; RC-5805)
1720.140	r	(P-15047/88; A-2872)
1720 Ap. B	r	(P-15047/88; A-2872)
2310.80	am	(P-1319)

TITLE 23 (CONT'D)

3030.60	r	(P-12180/88; A-1244)
3030.105	am	(P-12180/88; A-1244)
3300.10	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.20	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.30	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.40	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.50	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.60	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.70	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.80	n	(P-14809/88; O-3440; R-4957; A-4672)

TITLE 26

201.50	n	(P-5322)
202.60	n	(P-5339)
207.70	am	(P-5327)
207.80	am	(P-5327)
207.90	am	(P-5327)
207.110	n	(P-5327)
207 Ap. B	n	(P-5327)
208.20	n	(P-5317)

TITLE 29

430.10	r	(P-17585/88; A-2049)
430.15	n	(P-17575/88; A-2040)
430.20	r	(P-17585/88; A-2049)
430.20	n	(P-17575/88; A-2040)
430.30	r	(P-17585/88; A-2049)
430.30	n	(P-17575/88; A-2040)
430.40	r	(P-17585/88; A-2049)
430.40	n	(P-17575/88; A-2040)
430.50	r	(P-17585/88; A-2049)
430.50	n	(P-17575/88; A-2040)
430.60	r	(P-17585/88; A-2049)
430.60	n	(P-17575/88; A-2040)
430.70	r	(P-17585/88; A-2049)
430.70	n	(P-17575/88; A-2040)
430.80	n	(P-17575/88; A-2040)

TITLE 32

360.10	am	(P-13858/88; A-803)
360.20	am	(P-13858/88; A-803)
360.30	am	(P-13858/88; A-803)
360.40	am	(P-13858/88; A-803)
360.50	am	(P-13858/88; A-803)
360.60	am	(P-13858/88; A-803)
360.70	am	(P-13858/88; A-803)
360.80	am	(P-13858/88; A-803)

TITLE 32 (CONT'D)

360.90 am (P-13858/88; A-803)
360.100 am (P-13858/88; A-803)
360.Ap. A am (P-13858/88; A-803)
360.Tb. A r (P-13858/88; A-803)
360.Tb. B am (P-13858/88; A-803)
360.Tb. C am (P-13858/88; A-803)
401.170 am (P-982)
410.10 am (P-13841/88; A-342)
410.20 am (P-13841/88; A-342)
410.30 am (P-13841/88; A-342)
410.40 am (P-13841/88; A-342)
410.50 am (P-13841/88; A-342)
410.60 am (P-13841/88; A-342)
410.70 am (P-13841/88; A-342)
410.80 am (P-13841/88; A-342)
410.II. A n (P-13841/88; A-342)
410.II. B n (P-13841/88; A-342)

TITLE 35

201.281 am (P-5154/88; O-29221/88; R-1624; A-2066)
201.401 n (P-5154/88; O-29221/88; R-1624; A-2066)
201.402 n (P-5154/88; O-29221/88; R-1624; A-2066)
201.403 n (P-5154/88; O-29221/88; R-1624; A-2066)
201.404 n (P-5154/88; O-29221/88; R-1624; A-2066)
201.405 n (P-5154/88; O-29221/88; R-1624; A-2066)
201.406 n (P-5154/88; O-29221/88; R-1624; A-2066)
201.407 n (P-5154/88; O-29221/88; R-1624; A-2066)
201.408 n (P-5154/88; O-29221/88; R-1624; A-2066)

211.101 am (P-19296/88; W-2537)
211.102 am (P-19296/88; W-2537)
243.108 am (P-19290/88; W-2536)
243.120 n (P-19290/88; W-2536)
251.103 am (E-955)
251.201 am (E-955)
251.202 n (E-955)
251.203 am (E-955)
251.208 am (E-955)
251.210 am (E-955)
251.212 r (E-955)
251.215 am (E-955)
304.220 am (P-11397/88; A-2060)
304.302 n (P-11669/88; A-851)
307.1508 am (P-16396/88; A-1794)
307.1704 am (P-16396/88; A-1794)
307.2101 am (P-16396/88; A-1794)
307.2903 am (P-16396/88; A-1794)

TITLE 35 (CONT'D)

307.3110 am (P-16396/88; A-1794)
307.3129 am (P-16396/88; A-1794)
307.3500 am (P-16396/88; A-1794)
307.3501 am (P-16396/88; A-1794)
307.3503 am (P-16396/88; A-1794)
307.3509 am (P-16396/88; A-1794)
307.3590 n (P-16396/88; A-1794)
307.4004 am (P-16396/88; A-1794)
307.8100 am (P-16396/88; A-1794)
310.107 am (P-16384/88; A-2463)
310.110 am (P-16384/88; A-2463)
365.503 n (P-18030/88; RC-5798)
378.101 n (P-12753/88; A-1190)
378.102 n (P-12753/88; A-1190)
378.103 n (P-12753/88; A-1190)
378.201 n (P-12753/88; A-1190)
378.202 n (P-12753/88; A-1190)
378.203 n (P-12753/88; A-1190)
378.204 n (P-12753/88; A-1190)
378.301 n (P-12753/88; A-1190)
378.302 n (P-12753/88; A-1190)
378.Ap. A n (P-12753/88; A-1190)
378.Ap. B n (P-12753/88; A-1190)
378.Ap. C n (P-12753/88; A-1190)
378.Ap. D n (P-12753/88; A-1190)
378.Ap. E n (P-12753/88; A-1190)
601.105 am (P-262)
604.203 am (P-255)
605.104 am (P-269; C-2539)
661.302 am (P-1738)
703.123 am (P-15444/88; A-447)
704.143 am (P-17167/88; A-478)
720.110 am (P-15327/88; A-362)
720.111 am (P-15327/88; A-362)
721.104 am (P-15347/88; A-382)
721.105 am (P-15347/88; A-382)
721.133 am (P-15347/88; A-382)
721.Ap. H am (P-15347/88; A-382)
722.110 am (P-15449/88; A-452)
722.151 am (P-15449/88; A-452)
724.101 am (P-15455/88; A-458)
724.Ap. I am (P-15455/88; A-458)
725.101 am (P-15402/88; A-437)
731.101 r (P-2650)
731.102 r (P-2650)
731.103 r (P-2650)
731.110 n (P-2650)
731.111 n (P-2650)
731.112 n (P-2650)
731.113 n (P-2650)
731.114 n (P-2650)
731.120 n (P-2650)
731.121 n (P-2650)
731.122 n (P-2650)
731.130 n (P-2650)
731.131 n (P-2650)

TITLE 38

190.10 am (P-14097/88; O-22489/88; R-966; A-3793)
190.50 am (P-14097/88; O-22489/88; R-966; A-3793)
190.70 am (P-4107)
190.140 am (P-14097/88; O-22489/88; R-966; A-3793)
190.160 am (P-14097/88; O-22489/88; R-966; A-3793)
190.165 n (P-4107)
190.180 am (P-14097/88; O-22489/88; R-966; A-3793)

303.10 n (P-2889)
303.20 n (P-2889)
400.110 am (P-1985)
400.120 am (P-1985)
400.130 am (P-1985)
400.140 r (P-1985)
400.141 am (P-1985)
400.142 am (P-1985)
400.150 am (P-1985)
400.440 am (P-1985)
400.510 am (P-1985)
400.615 am (P-1985)
400.665 am (P-1985)
400.675 r (P-1985)

TITLE 38 (CONT'D)

400.710 am (P-1985)
400.1020 am (P-1985)
400.1030 am (P-1985)
400.1060 am (P-1985)
400.1110 am (P-1985)
400.1120 am (P-1985)
400.1140 r (P-1985)
400.1150 am (P-1985)
400.1550 am (P-1985)
400.2010 am (P-1985)
400.2055 n (P-1985)
400.2500 am (P-1985)
400.2510 am (P-1985)
400.2520 am (P-1985)
400.2700 n (P-1985)
400.2710 n (P-1985)

TITLE 41

100.110 n (E-582) (P-1323)
170.10 am (P-1756) (E-1886)
170.71 n (P-1756) (E-1886)
170.72 n (P-1756) (E-1886)
170.73 n (P-1756) (E-1886)
170.75 am (P-1756) (E-1886)
170.75 # (A-5669)
170.106 n (P-1756) (E-1886)
170.107 n (P-1756) (E-1886)
170.108 n (P-1756) (E-1886)
170.400 n (A-5669)
170.410 n (A-5669)
170.420 n (A-5669)
170.430 n (A-5669)
170.440 n (A-5669)
170.450 n (A-5669)
170.460 n (A-5669)
170.470 n (A-5669)
170.480 n (A-5669)
170.490 n (A-5669)
170.500 n (A-5669)
170.510 n (A-5669)
170.520 n (A-5669)
170.530 n (A-5669)
170.540 n (A-5669)
170.550 n (A-5669)
170.560 n (A-5669)
170.570 n (A-5669)
170.580 n (A-5669)
170.590 n (A-5669)
170.600 n (A-5669)
170.610 n (A-5669)
170.620 n (A-5669)
170.630 n (A-5669)
170.640 n (A-5669)
170.650 n (A-5669)
170.660 n (A-5669)
170.670 # (A-5669)

TITLE 41 (CONT'D)

170.670	am	(A-5669)
170.Tb. A	n	(A-5669)
170.Tb. B	n	(A-5669)
180.10	am	(E-1875; O-5807)
180.10	am	(P-1754) (E-1875)
180.20	am	(E-1875; O-5807)
180.20	am	(P-1754) (E-1875)
180.25	n	(E-1875; O-5807)
180.25	n	(P-1754) (E-1875)

TITLE 44

525.5	r	(P-2709)
525.10	am	(P-2709)
525.20	am	(P-2709)
525.50	n	(P-2709)
525.60	n	(P-2709)
525.70	#	(P-2709)
525.70	am	(P-2709)
525.100	am	(P-2709)
525.110	am	(P-2709)
525.200	#	(P-2709)
525.300	am	(P-2709)
525.310	r	(P-2709)
525.320	am	(P-2709)
525.330	am	(P-2709)
525.340	am	(P-2709)
525.400	am	(P-2709)
525.410	am	(P-2709)
525.500	am	(P-2709)
525.510	am	(P-2709)
525.520	am	(P-2709)
525.530	am	(P-2709)
525.540	n	(P-2709)
525.600	am	(P-2709)
525.610	am	(P-2709)
525.620	am	(P-2709)
525.630	am	(P-2709)
525.640	am	(P-2709)
525.650	am	(P-2709)
525.660	am	(P-2709)
525.670	am	(P-2709)
525.700	am	(P-2709)
525.710	am	(P-2709)
525.720	am	(P-2709)
526.10	n	(P-2746)
526.20	n	(P-2746)
526.30	n	(P-2746)
526.40	n	(P-2746)
526.50	n	(P-2746)
526.60	n	(P-2746)
526.70	n	(P-2746)
530.5	r	(P-2648)
530.10	am	(P-2648)
530.20	am	(P-2648)
530.50	n	(P-2648)

TITLE 44 (CONT'D)

535.630	am	(P-2766)
535.640	am	(P-2766)
535.650	am	(P-2766)
535.660	am	(P-2766)
535.670	am	(P-2766)
535.700	am	(P-2766)
535.710	am	(P-2766)
535.720	am	(P-2766)
540.5	r	(P-2764)
540.10	am	(P-2764)
540.20	am	(P-2764)
540.30	n	(P-2764)
540.40	n	(P-2764)
540.60	#	(P-2764)
540.70	#	(P-2764)
540.70	am	(P-2764)
540.100	am	(P-2764)
540.110	am	(P-2764)
540.200	#	(P-2764)
540.300	am	(P-2764)
540.310	r	(P-2764)
540.320	am	(P-2764)
540.330	am	(P-2764)
540.340	am	(P-2764)
540.350	am	(P-2764)
540.400	am	(P-2764)
540.410	am	(P-2764)
540.500	am	(P-2764)
540.510	am	(P-2764)
540.520	am	(P-2764)
540.530	am	(P-2764)
540.540	n	(P-2764)
540.600	am	(P-2764)
540.610	am	(P-2764)
540.620	am	(P-2764)
540.630	am	(P-2764)
540.640	am	(P-2764)
540.650	am	(P-2764)
540.660	am	(P-2764)
540.670	am	(P-2764)
540.700	am	(P-2764)
540.710	am	(P-2764)
540.720	am	(P-2764)
910.130	am	(P-1917)
4400.25	n	(P-44)
5040.590	r	(P-4071)

TITLE 47

1.35	n	(P-5002)
1.60	am	(P-5002)
1.70	am	(P-5002)
1.85	n	(P-5002)
1.100	am	(P-5002)
1.105	n	(P-5002)
1.110	am	(P-5002)
1.130	am	(P-5002)
1.160	n	(P-5002)

TITLE 47 (CONT'D)

1.170	n	(P-5002)
1.175	n	(P-5002)
1.180	n	(P-5002)
1.185	n	(P-5002)
1.190	n	(P-5002)
1.195	n	(P-5002)
100.70	am	(P-1930)
100.85	am	(P-1930)
100.90	am	(P-1930)
100.110	am	(P-1930) (P-4358)
100.120	am	(P-1930)
120.80	am	(P-1311)
120.100	am	(P-1311)
120.110	am	(P-8521/88; A-779)
120.115	n	(P-8521/88; A-779)
120.115	am	(P-4075)
160.80	am	(P-9271/88; A-2024)

TITLE 50

201.20	am	(P-2909)
201.30	am	(P-2909)
201.50	am	(P-2909)
201.60	am	(P-2909)
301.30	am	(P-2901)
301.60	am	(P-2901)
301.70	am	(P-2901)
401.30	am	(P-2905)
401.60	am	(P-2905)
401.70	am	(P-2905)
601.10	n	(P-11985/88; A-2051)
601.20	n	(P-11985/88; A-2051)
601.30	n	(P-11985/88; A-2051)
601.40	n	(P-11985/88; A-2051)
601.50	n	(P-11985/88; A-2051)
601.60	n	(P-11985/88; A-2051)
601.70	n	(P-11985/88; A-2051)
601.80	n	(P-11985/88; A-2051)
601.90	n	(P-11985/88; A-2051)
601.100	n	(P-11985/88; A-2051)
601.110	n	(P-11985/88; A-2051)
601.120	n	(P-11985/88; A-2051)
601.130	n	(P-11985/88; A-2051)
601.140	n	(P-11985/88; A-2051)
754 Ex. B	am	(P-2057/88; A-1542)
919.10	am	(P-13535/88; C-17456/88; A-1204)
919.20	am	(P-13535/88; C-17456/88; A-1204)
919.30	am	(P-13535/88; C-17456/88; A-1204)
919.40	am	(P-13535/88; C-17456/88; A-1204)
919.50	am	(P-13535/88; C-17456/88; A-1204)
919.60	am	(P-13535/88; C-17456/88; A-1204)
919.70	am	(P-13535/88; C-17456/88; A-1204)
919.80	am	(P-13535/88; C-17456/88; A-1204)
919.90	am	(P-13535/88; C-17456/88; A-1204)
919 Ex. A	n	(P-251) (E-586; O-3471)
2008.10	am	(P-251) (E-586; O-3471)
2008.20	am	(P-251) (E-586; O-3471)

TITLE 50 (CONT'D)		TITLE 56 (CONT'D)		TITLE 58 (CONT'D)		TITLE 68 (CONT'D)	
2008.30	am (P-251) (E-586; O-3471)	2720.1	am (P-5362)	1220.350	n (P-5867/88; A-4191)	1360.45	n (P-14963/88; A-4234)
2008.40	am (P-251) (E-586; O-3471)	2720.130	am (P-5362)	1220.400	n (P-5867/88; A-4191)	1360.50	am (P-14963/88; A-4234)
2008.50	am (P-251) (E-586; O-3471)	2720.132	n (P-5362)	1220.410	r (P-5867/88; A-4191)	1360.55	am (P-14963/88; A-4234)
2008.60	am (P-251) (E-586; O-3471)	2725.20	am (P-5344)	1220.410	n (P-5867/88; A-4191)	1360.60	am (P-14963/88; A-4234)
2008.70	am (P-251) (E-586; O-3471)	2725.100	am (P-5344)	1220.421	am (P-5867/88; A-4191)	1360.65	n (P-14963/88; A-4234)
2008.71	n (P-251) (E-586; O-3471)	2725.105	am (P-5344)	1220.425	n (P-5867/88; A-4191)	1360.70	am (P-14963/88; O-3450; RC-3452; R-4308; A-4234)
2008.80	am (P-251) (E-586; O-3471)	2725.120	am (P-5344)	1220.431	r (P-5867/88; A-4191)	1360.75	n (P-14963/88; RC-3452; A-4234)
2008.81	n (P-251) (E-586; O-3471)	2725.250	am (P-5344)	1220.435	am (P-5867/88; A-4191)	1360.80	r (P-14963/88; A-4234)
2008.82	n (P-251) (E-586; O-3471)	2725.270	am (P-5344)	1220.500	n (P-5867/88; A-4191)	1360.85	am (P-14963/88; A-4234)
2008.90	am (P-251) (E-586; O-3471)	2732.201	n (P-1945)	1220.510	n (P-5867/88; A-4191)	1360.90	am (P-14963/88; A-4234)
2008.Ap. A	am (P-251) (E-586; O-3471)	2765.205	n (P-752)	1220.520	n (P-5867/88; A-4191)	1360.Ap. A	r (P-14963/88; A-4234)
2008.Ap. B	am (P-251) (E-586; O-3471)	2765.325	n (P-5375)	1220.530	n (P-5867/88; O-3444; R-4306; A-4191)	1360.Ap. B	r (P-14963/88; A-4234)
2008.Ap. C	am (P-251) (E-586; O-3471)	2765.328	n (P-5375)	1220.540	n (P-5867/88; A-4191)	1400.10	r (P-2913)
2008.Ap. E	n (P-251) (E-586; O-3471)	2765.330	n (P-5375)	1220.550	n (P-5867/88; A-4191)	1400.20	am (P-2913)
2008.Ap. F	n (P-251) (E-586; O-3471)	2765.332	n (P-5375)	1220.560	n (P-5867/88; A-4191)	1400.30	am (E-2519)
2008.Ap. G	n (P-251) (E-586; O-3471)	2765.333	n (P-5375)	1220.560	r (P-5867/88; A-4191)	1400.40	am (E-2519)
2011.10	n (P-13558/88; A-3804)	2765.334	n (P-5375)	1220.Ap. A	r (P-5867/88; A-4191)	1400.50	am (E-2519)
2011.20	n (P-13558/88; A-3804)	2765.335	n (P-5375)	1220.Ap. B	am (P-5867/88; A-4191)	1400.60	am (E-2519)
2011.30	n (P-13558/88; A-3804)	2770.105	am (P-743)	1220.Ap. C	am (P-5867/88; A-4191)	1400.65	am (E-2519)
2011.40	n (P-13558/88; A-3804)	2905.1	am (P-2229)	1250.130	am (P-3355)	1400.70	am (E-2519)
2011.50	n (P-13558/88; A-3804)	2905.15	am (P-2229)	1250.190	am (P-3355)	1400.80	am (E-2519)
2011.60	n (P-13558/88; A-3804)	2905.25	r (P-2229)	1280.10	r (P-8536/88; A-513)	1400.90	am (E-2519)
2011.70	n (P-13558/88; A-3804)	2905.40	n (P-2229)	1280.20	r (P-8536/88; A-513)	1465.10	n (P-1388) (E-1616)
2011.Ap. A	n (P-13558/88; A-3804)			1280.30	r (P-8536/88; A-513)	1465.20	n (P-1388) (E-1616)
2011.Ap. B	n (P-13558/88; A-3804)			1280.40	r (P-8536/88; A-513)	1465.30	n (P-1388) (E-1616)
2011.Ap. C	n (P-13558/88; A-3804)			1280.50	r (P-8536/88; A-513)	1465.40	n (P-1388) (E-1616)
2502.10	r (P-2234)			1280.55	r (P-8536/88; A-513)	1465.50	n (P-1388) (E-1616)
2502.20	r (P-2234)			1280.60	r (P-8536/88; A-513)	1465.60	n (P-1388) (E-1616)
2801.50	am (P-3531)			1280.70	r (P-8536/88; A-513)	1465.70	n (P-1388)
6301.Ex. A	am (P-14502/88; A-1780)			1280.80	r (P-8536/88; A-513)	1465.90	n (P-1388) (E-5771)
6302.40	am (P-15269/88; A-3801)			1280.85	r (P-8536/88; A-513)	1470.5	n (P-5426) (E-5771)
				1280.105	r (P-8536/88; A-513)	1470.7	n (P-5426) (E-5771)
				1280.107	r (P-8536/88; A-513)	1470.10	am (E-5771)
				1280.110	r (P-8536/88; A-513)	1470.10	r (P-5426)
				1285.20	am (P-274) (E-651; O-3475)	1470.10	r (P-5426)
				1285.20	n (P-8571/88; A-483)	1470.20	n (P-5426)
				1285.30	n (P-8571/88; A-483)	1470.20	n (E-5771)
				1285.40	n (P-8571/88; A-483)	1470.20	n (E-5771)
				1285.50	am (P-274) (E-651)	1470.20	n (E-5771)
				1285.60	n (P-8571/88; A-483)	1470.20	am (P-5426)
				1285.70	am (P-274) (E-651)	1470.30	am (P-5426)
				1285.80	n (P-8571/88; A-483)	1470.40	r (P-5426)
				1285.90	am (P-274) (E-651)	1470.50	r (P-5426)
				1285.95	n (P-8571/88; A-483)	1470.60	r (P-5426)
				1285.100	n (P-8571/88; A-483)	1470.60	n (E-5771)
				1285.110	n (P-8571/88; A-483)	1470.70	am (P-5426)
				1285.120	n (P-8571/88; A-483)	1470.80	am (P-5426)
				1285.130	n (P-8571/88; A-483)	1470.90	am (P-5426)
				1285.140	n (P-8571/88; A-483)	1470.100	am (P-5426)
				1360.10	r (P-14963/88; A-4234)	1480.20	am (E-5781) (P-5424)
				1360.20	am (P-14963/88; A-4234)	1500.10	am (P-18100/88; A-3826)
				1360.30	am (P-14963/88; A-4234)	1500.11	am (P-18100/88; A-3826)
				1360.40	am (P-14963/88; A-4234)		

TITLE 77 (CONT'D)		
300.1870	am	(P-21333/88; A-4684)
300.1880	am	(P-21333/88; A-4684)
300.1900	am	(P-21333/88; A-4684)
300.2010	am	(P-21333/88; A-4684)
300.2020	am	(P-21333/88; A-4684)
300.2030	am	(P-21333/88; A-4684)
300.2040	am	(P-21333/88; A-4684)
300.2050	am	(P-21333/88; A-4684)
300.2060	am	(P-21333/88; A-4684)
300.2070	am	(P-21333/88; A-4684)
300.2080	am	(P-21333/88; A-4684)
300.2090	am	(P-21333/88; A-4684)
300.2100	am	(P-21333/88; A-4684)
300.2110	am	(P-21333/88; A-4684)
300.2210	am	(P-21333/88; A-4684)
300.2220	am	(P-21333/88; A-4684)
300.2230	am	(P-21333/88; A-4684)
300.2410	am	(P-21333/88; A-4684)
300.2420	am	(P-21333/88; A-4684)
300.2430	am	(P-21333/88; A-4684)
300.2610	am	(P-21333/88; A-4684)
300.2620	am	(P-21333/88; A-4684)
300.2630	am	(P-21333/88; A-4684)
300.2640	am	(P-21333/88; A-4684)
300.2810	am	(P-21333/88; A-4684)
300.2820	am	(P-21333/88; A-4684)
300.2830	am	(P-21333/88; A-4684)
300.2840	am	(P-21333/88; A-4684)
300.2850	am	(P-21333/88; A-4684)
300.2860	am	(P-21333/88; A-4684)
300.2870	am	(P-21333/88; A-4684)
300.2880	am	(P-21333/88; A-4684)
300.2890	am	(P-21333/88; A-4684)
300.2900	am	(P-21333/88; A-4684)
300.2910	am	(P-21333/88; A-4684)
300.2920	am	(P-21333/88; A-4684)
300.2930	am	(P-21333/88; A-4684)
300.2940	am	(P-21333/88; A-4684)
300.3010	am	(P-21333/88; A-4684)
300.3020	am	(P-21333/88; A-4684)
300.3030	am	(P-21333/88; A-4684)
300.3040	am	(P-21333/88; A-4684)
300.3050	am	(P-21333/88; A-4684)
300.3060	am	(P-21333/88; A-4684)
300.3070	am	(P-21333/88; A-4684)
300.3080	am	(P-21333/88; A-4684)
300.3090	am	(P-21333/88; A-4684)
300.3100	am	(P-21333/88; A-4684)
300.3110	am	(P-21333/88; A-4684)
300.3120	am	(P-21333/88; A-4684)
300.3130	am	(P-21333/88; A-4684)
300.3140	am	(P-21333/88; A-4684)
300.3210	am	(P-21333/88; A-4684)
300.3220	am	(P-21333/88; A-4684)
300.3230	am	(P-21333/88; A-4684)
300.3240	am	(P-21333/88; A-4684)
300.3250	am	(P-21333/88; A-4684)

TITLE 27 (CONT'D)		
300.3260	am	(P-21333/88; A-4684)
300.3270	am	(P-21333/88; A-4684)
300.3280	am	(P-21333/88; A-4684)
300.3290	am	(P-21333/88; A-4684)
300.3300	am	(P-21333/88; A-4684)
300.3310	am	(P-21333/88; A-4684)
300.3320	am	(P-21333/88; A-4684)
300.3330	am	(P-21333/88; A-4684)
300.3340	am	(P-21333/88; A-4684)
300.3350	am	(P-21333/88; A-4684)
300.3360	am	(P-21333/88; A-4684)
300.3370	am	(P-21333/88; A-4684)
300.3380	am	(P-21333/88; A-4684)
300.3390	am	(P-21333/88; A-4684)
300.3400	am	(P-21333/88; A-4684)
300.3410	am	(P-21333/88; A-4684)
300.3420	am	(P-21333/88; A-4684)
300.3430	am	(P-21333/88; A-4684)
300.3440	am	(P-21333/88; A-4684)
300.3450	am	(P-21333/88; A-4684)
300.3460	am	(P-21333/88; A-4684)
300.3470	am	(P-21333/88; A-4684)
300.3480	am	(P-21333/88; A-4684)
300.3490	am	(P-21333/88; A-4684)
300.3495	am	(P-21333/88; A-4684)
300.3500	am	(P-21333/88; A-4684)
300.3510	am	(P-21333/88; A-4684)
300.3520	am	(P-21333/88; A-4684)
300.3530	am	(P-21333/88; A-4684)
300.3540	am	(P-21333/88; A-4684)

TABLE 77. (CONTD.)		
380.550	n	(P-987)
380.560	n	(P-987)
380.570	n	(P-987)
380.580	n	(P-987)
380.590	n	(P-987)
380.600	n	(P-987)
380.610	n	(P-987)
380.620	n	(P-987)
380.630	n	(P-987)
380.640	n	(P-987)
380.650	n	(P-987)
380.660	n	(P-987)
380.670	n	(P-987)
380.680	n	(P-987)
380.690	n	(P-987)
380.700	n	(P-987)
380.710	n	(P-987)
380.720	n	(P-987)
380.730	n	(P-987)
380.740	n	(P-987)
380.750	n	(P-987)
380.760	n	(P-987)
380.770	n	(P-987)
380.780	n	(P-987)
380.790	n	(P-987)
380.800	n	(P-987)
380.810	n	(P-987)
380.820	n	(P-987)
380.830	n	(P-987)
380.840	n	(P-987)
380.850	n	(P-987)
380.860	n	(P-987)
380.870	n	(P-987)
380.880	n	(P-987)
380.890	n	(P-987)
380.900	n	(P-987)
380.910	n	(P-987)
450.05	n	(P-2249)
450.10	am	(P-2249)
450.20	am	(P-2249)
450.30	am	(P-2249)
450.35	n	(P-2249)
450.40	n	(P-2249)
450.50	n	(P-2249)
450.210	am	(P-2249)
450.220	am	(P-2249)
450.230	am	(P-2249)
450.310	am	(P-2249)
450.320	am	(P-2249)
450.330	am	(P-2249)
450.410	am	(P-2249)
450.420	am	(P-2249)
450.430	am	(P-2249)
450.440	am	(P-2249)
450.440	n	(P-19327/88; A-4285)
450.450	am	(P-2249)

TITLE 77 (CONT'D)		
450.450	n	(P-1932788; A-4285)
450.510	r	(P-2249)
450.520	am	(P-2249)
450.530	r	(P-2249)
450.540	r	(P-2249)
450.550	r	(P-2249)
450.560	r	(P-2249)
450.570	r	(P-2249)
450.610	am	(P-2249)
450.710	am	(P-2249)
450.720	am	(P-2249)
450.730	am	(P-2249)
450.810	r	(P-2249)
450.820	r	(P-2249)
450.830	r	(P-2249)
450.835	r	(P-2249)
450.840	r	(P-2249)
450.845	r	(P-2249)
450.848	r	(P-2249)
450.850	r	(P-2249)
450.860	r	(P-2249)
450.870	r	(P-2249)
450.920	am	(P-2249)
450.930	am	(P-2249)
450.940	am	(P-2249)
450.950	am	(P-2249)
450.1010	am	(P-2249)
450.1110	am	(P-2249)
450.1120	am	(P-2249)
450.1130	am	(P-2249)
450.1140	am	(P-2249)
450.1150	am	(P-2249)
450.1155	am	(P-2249)
450.1200	am	(P-2249)
450.1300	am	(P-2249)
450.1300	am	(P-1932788; A-4285)
450.1310	am	(P-2249)
450.1310	am	(P-1932788; A-4285)
450.1320	n	(P-2249)
450.1330	am	(P-1932788; A-4285)
450.1330	am	(P-2249)
450.1330	n	(P-1932788; A-4285)
450.1330	n	(P-2249)
450.Ap. A	n	(P-2249)
450.Ap. B	n	(P-2249)
490.10	n	(P-2974)
490.20	n	(P-2974)
490.30	n	(P-2974)
490.40	n	(P-2974)
490.210	n	(P-2974)
490.220	n	(P-2974)
490.230	n	(P-2974)
490.310	n	(P-2974)
490.320	n	(P-2974)
490.330	n	(P-2974)
490.410	n	(P-2974)
490.420	n	(P-2974)

TITLE 77 (CONT'D)

490.430	n	(P-2974)
490.440	n	(P-2974)
490.510	n	(P-2974)
490.520	n	(P-2974)
490.610	n	(P-2974)
490.620	n	(P-2974)
490.710	n	(P-2974)
490.720	n	(P-2974)
490.730	n	(P-2974)
490.740	n	(P-2974)
490.750	n	(P-2974)
490.760	n	(P-2974)
490.770	n	(P-2974)
490.780	n	(P-2974)
490.810	n	(P-2974)
490.820	n	(P-2974)
490.830	n	(P-2974)
490.840	n	(P-2974)
490.910	n	(P-2974)
535.10	am	(P-4500)
535.20	am	(P-4126)
535.150	am	(P-4126)
535.200	am	(P-4126)
535.240	am	(P-4126)
535.400	am	(P-4126)
535.410	am	(P-4126)
535.420	am	(P-4126)
535.430	am	(P-4126)
535.800	n	(P-4126)
535.810	n	(P-4126)
535.820	n	(P-4126)
535.830	n	(P-4126)
535.840	n	(P-4126)
535.850	n	(P-4126)
535.860	n	(P-4126)
535.870	n	(P-4126)
535.900	n	(P-4500)
535.910	n	(P-4500)
535.920	n	(P-4500)
535.930	n	(P-4500)
535.934	n	(P-4500)
535.935	n	(P-4500)
535.936	n	(P-4500)
535.940	n	(P-4500)
535.941	n	(P-4500)
535.942	n	(P-4500)
535.943	n	(P-4500)
535.950	n	(P-4500)
535.951	n	(P-4500)
535.952	n	(P-4500)
535.953	n	(P-4500)
540.10	am	(P-4616)
540.30	am	(P-4616)

TITLE 77 (CONT'D)

725.10	r	(P-7265/88; A-2517)
725.10	n	(P-7272/88; A-2502)
725.15	n	(P-7272/88; A-2502)
725.20	n	(P-7272/88; A-2502)
725.30	r	(P-7265/88; A-2517)
725.30	n	(P-7272/88; A-2502)
725.40	r	(P-7265/88; A-2517)
725.40	n	(P-7272/88; A-2502)
725.41	n	(P-7272/88; A-2502)
725.42	n	(P-7272/88; A-2502)
725.43	n	(P-7272/88; A-2502)
725.44	n	(P-7272/88; A-2502)
725.45	r	(P-7265/88; A-2517)
725.50	r	(P-7265/88; A-2517)
725.50	n	(P-7272/88; A-2502)
725.51	n	(P-7272/88; A-2502)
725.60	r	(P-7265/88; A-2502)
725.65	r	(P-7265/88; A-2517)
725.70	r	(P-7265/88; A-2517)
725.70	n	(P-7272/88; A-2502)
725.71	n	(P-7272/88; A-2502)
725.80	r	(P-7265/88; A-2517)
725.80	n	(P-7272/88; A-2502)
750.10	am	(P-14113/88; A-1819)
750.140	am	(P-14113/88; A-1819)
760.20	am	(P-14115/88; A-1830)
760.150	am	(P-14115/88; A-1830)
790.420	am	(P-3015) (E-3108)
790.460	am	(P-3015) (E-3108)
790.500	am	(P-12991/88; P-16425/88; A-856)
790.540	am	(P-12991/88; P-16425/88; A-856)
790.580	am	(P-16425/88; A-856)
790.600	am	(P-16425/88; A-856)
790.620	am	(P-3015) (E-3108)
790.630	am	(P-12991/88; A-856)
790.799	n	(P-12991/88; A-856)
790.799	am	(P-16425/88; A-856)
790.860	am	(P-3015) (E-3108)
790.900	am	(P-16425/88; A-856)
790.905	am	(P-3015) (E-3108)
790.910	am	(P-16425/88; A-856)
790.940	am	(P-12991/88; A-856)
790.974	am	(P-16425/88; A-856)
790.980	am	(P-3015) (E-3108)
790.1060	am	(P-12991/88; A-856)
790.1100	r	(P-16425/88; A-856)
790.1125	n	(P-16425/88; A-856)
790.1125	am	(P-3015) (E-3108)
790.1127	am	(P-3015) (E-3108)
790.1127	n	(P-16425/88; A-856)

TITLE 77 (CONT'D)

790.1129	am	(P-16425/88; A-856)
790.1129	n	(P-3015) (E-3108)
790.1131	am	(P-16425/88; A-856)
790.1131	n	(P-3015) (E-3108)
790.1200	am	(P-3015) (E-3108)
790.1300	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.1345	am	(P-16425/88; A-856)
790.1440	n	(P-16425/88; A-856)
790.1460	am	(P-16425/88; A-856)
790.1560	n	(P-12991/88; P-16425/88; A-856)
790.1570	n	(P-16425/88; A-856)
790.1570	am	(P-3015) (E-3108)
790.1577	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.1620	am	(P-12991/88; A-856)
790.1660	am	(P-16425/88; A-856)
790.1685	am	(P-12991/88; A-856) (P-3015) (E-3108)
790.1697	am	(P-3015) (E-3108)
790.1700	am	(P-3015) (E-3108)
790.1706	am	(P-3015) (E-3108)
790.1708	am	(P-3015) (E-3108)
790.1710	am	(P-3015) (E-3108)
790.1721	am	(P-16425/88; A-856)
790.1740	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.1930	am	(P-16425/88; A-856)
790.1980	am	(P-3015) (E-3108)
790.2060	am	(P-16425/88; A-856)
790.2097	am	(P-12991/88; A-856) (P-3015) (E-3108)
790.2140	am	(P-12991/88; P-16425/88; A-856)
790.2180	am	(P-16425/88; A-856)
790.2260	am	(P-16425/88; A-856)
790.2340	am	(P-16425/88; A-856)
790.2380	am	(P-16425/88; A-856)
790.2500	am	(P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)
790.2540	am	(P-16425/88; A-856)
790.2580	am	(P-16425/88; A-856)
790.2603	n	(P-3015) (E-3108)
790.2605	am	(P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)
790.2613	am	(P-16425/88; A-856)
790.2617	am	(P-16425/88; A-856) (E-3108)
790.2618	am	(P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)
790.2663	am	(P-3015) (E-3108)
790.2668	am	(P-3015) (E-3108)
790.2672	am	(P-3015) (E-3108)
790.2700	am	(P-3015) (E-3108)
790.2780	am	(P-16425/88; A-856) (E-3108)
790.2800	n	(P-3015) (E-3108)

TITLE 77 (CONT'D)

790.2860	am	(P-16425/88; A-856)
790.2900	am	(P-16425/88; A-856) (P-3015)
790.2904	am	(E-3108)
790.2904	am	(P-16425/88; A-856) (P-3015)
790.2928	r	(P-16425/88; A-856)
790.2928	n	(P-12991/88; A-856)
790.2932	am	(P-16425/88; A-856)
790.2940	am	(P-3015) (E-3108)
790.3020	am	(P-16425/88; A-856)
790.3023	am	(P-3015) (E-3108)
790.3027	am	(P-16425/88; A-856)
790.3028	am	(P-3015) (E-3108)
790.3054	am	(P-3015) (E-3108)
790.3085	am	(P-16425/88; A-856)
790.3100	am	(P-16425/88; A-856)
790.3300	am	(P-16425/88; A-856) (P-3015)
790.3315	am	(P-3015) (E-3108)
790.3335	am	(P-16425/88; A-856)
790.3340	am	(P-12991/88; P-16425/88; A-856)
790.3340	am	(P-3015) (E-3108)
790.3420	am	(P-12991/88; A-856) (P-3015)
790.3425	am	(P-16425/88; A-856)
790.3437	am	(P-12991/88; A-856) (P-3015)
790.3440	n	(P-16425/88; A-856)
790.3475	am	(P-3015) (E-3108)
790.3492	am	(P-16425/88; A-856)
790.3500	am	(P-16425/88; A-856)
790.3540	am	(P-16425/88; A-856)
790.3620	am	(P-12991/88; P-16425/88; A-856)
790.3700	am	(P-3015) (E-3108)
790.3720	n	(P-16425/88; A-856)
790.3900	am	(P-16425/88; A-856)
790.3907	am	(P-12991/88; A-856)
790.3910	n	(P-12991/88; P-16425/88; A-856)
790.3910	am	(P-3015) (E-3108)
790.3945	am	(P-3015) (E-3108)
790.4012	am	(P-16425/88; A-856) (P-3015)
790.4040	am	(P-16425/88; A-856) (P-3015)
790.4060	am	(P-16425/88; A-856)
790.4100	am	(P-12991/88; P-16425/88; A-856)
790.4220	am	(P-3015) (E-3108)
790.4300	am	(P-3015) (E-3108)
790.4396	am	(P-12991/88; P-16425/88; A-856)
790.4398	am	(P-3015) (E-3108)
790.4430	am	(P-16425/88; A-856)
790.4460	am	(P-16425/88; A-856)

TITLE 77 (CONT'D)

790.6180	am	(P-3015) (E-3108)
790.6260	am	(P-16425/88; A-856) (P-3015)
790.6275	am	(P-12991/88; P-16425/88; A-856)
790.6280	am	(P-16425/88; A-856)
790.6284	am	(P-16425/88; A-856)
790.6370	am	(P-12991/88; A-856) (P-3015)
790.6375	n	(P-16425/88; A-856)
790.6445	am	(P-16425/88; A-856)
790.6450	am	(P-16425/88; A-856) (P-3015)
790.6452	am	(P-16425/88; A-856)
790.6454	n	(P-16425/88; A-856)
790.6456	am	(P-12991/88; P-16425/88; A-856)
790.6540	am	(P-3015) (E-3108)
790.6580	am	(P-16425/88; A-856)
790.6580	am	(P-16425/88; A-856)
790.6621	n	(P-16425/88; A-856)
790.6670	am	(P-16425/88; A-856)
790.6740	am	(P-16425/88; A-856)
790.6780	am	(P-12991/88; P-16425/88; A-856)
790.6860	am	(P-3015) (E-3108)
790.6875	am	(P-12991/88; A-856) (P-3015)
790.6885	am	(P-3015) (E-3108)
790.6895	n	(P-3015) (E-3108)
790.6946	am	(P-16425/88; A-856)
790.6960	am	(P-12991/88; P-16425/88; A-856)
790.6980	am	(P-16425/88; A-856) (P-3015)
790.7020	am	(P-16425/88; A-856)
790.7140	am	(P-16425/88; A-856)
790.7180	am	(P-16425/88; A-856)
790.7181	n	(P-16425/88; A-856)
790.7223	am	(P-3015) (E-3108)
790.7260	am	(P-16425/88; A-856)
790.7265	n	(P-16425/88; A-856)
790.7280	am	(P-16425/88; A-856) (P-3015)
790.7288	n	(E-3108)
790.7288	am	(P-16425/88; A-856)
790.7400	am	(P-12991/88; A-856) (P-3015)
790.7500	am	(P-3015) (E-3108)
790.7540	am	(P-12991/88; P-16425/88; A-856)
790.7700	am	(P-16425/88; A-856)
790.7820	am	(P-3015) (E-3108)
790.7828	am	(P-12991/88; P-16425/88; A-856)
790.8020	am	(P-3015) (E-3108)
790.8140	am	(P-3015) (E-3108)
790.8248	r	(P-3015) (E-3108)
790.8260	am	(P-3015) (E-3108)
790.8378	am	(P-16425/88; A-856)
790.8380	am	(P-16425/88; A-856)

TITLE 77 (CONT'D)

790.8420	am	(P-3015) (E-3108)
790.8580	am	(P-16425/88; A-856) (P-3015)
790.8700	am	(E-3108)
790.8700	am	(P-16425/88; A-856) (P-3015)
790.8724	am	(P-3015) (E-3108)
790.8740	am	(P-3015) (E-3108)
790.8900	am	(P-16425/88; A-856) (P-3015)
790.8940	am	(E-3108)
790.8940	am	(P-16425/88; A-856) (P-3015)
790.9020	am	(E-3108)
790.9020	am	(P-12991/88; A-856) (P-3015)
790.9060	am	(E-3108)
790.9060	am	(P-12991/88; P-16425/88; A-856)
790.9084	am	(P-3015) (E-3108)
790.9100	am	(E-3108)
790.9140	am	(P-12991/88; A-856) (P-3015)
790.9220	am	(E-3108)
790.9320	am	(P-3015) (E-3108)
790.9380	am	(P-3015) (E-3108)
790.9475	am	(P-3015) (E-3108)
790.9486	am	(P-12991/88; P-16425/88; A-856)
790.9500	am	(P-3015) (E-3108)
790.9530	am	(P-12991/88; P-16425/88; A-856)
830.10	am	(P-3325/88; A-2090)
830.20	n	(P-3325/88; A-2090)
830.100	am	(P-3325/88; A-2090)
830.110	am	(P-3325/88; A-2090)
830.120	am	(P-3325/88; A-2090)
830.130	am	(P-3325/88; A-2090)
830.140	am	(P-3325/88; A-2090)
830.150	r	(P-3325/88; A-2090)
830.160	r	(P-3325/88; A-2090)
830.170	r	(P-3325/88; A-2090)
830.180	am	(P-3325/88; A-2090)
830.190	am	(P-3325/88; A-2090)
830.200	am	(P-3325/88; A-2090)
830.210	n	(P-3325/88; A-2090)
830.220	n	(P-3325/88; A-2090)
830.230	n	(P-3325/88; A-2090)
830.240	n	(P-3325/88; A-2090)
830.250	n	(P-3325/88; A-2090)
830.260	am	(P-3325/88; A-2090)
830.270	am	(P-3325/88; A-2090)
830.280	r	(P-3325/88; A-2090)
830.290	n	(P-3325/88; A-2090)
830.300	n	(P-3325/88; A-2090)
830.310	n	(P-3325/88; A-2090)
830.315	n	(P-3325/88; A-2090)
830.400	am	(P-3325/88; A-2090)
830.410	am	(P-3325/88; A-2090)
830.420	r	(P-3325/88; A-2090)

TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
830.430	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.440	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.450	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.460	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.500	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.510	r	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.520	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.530	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.540	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.560	r	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.570	r	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.600	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.610	r	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.620	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.630	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.640	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.650	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.660	r	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.670	r	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.700	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.800	n	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.820	am	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.830	n	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.840	n	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.850	n	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.860	n	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.870	n	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.II.A	n	(P-3325/88; A-2090)	(P-3325/88; A-2090)
830.II.B	n	(P-3325/88; A-2090)	(P-3325/88; A-2090)
855.10	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.20	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.50	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.55	n	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.60	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.70	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.80	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.130	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.140	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.180	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.220	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.240	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.260	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.270	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.275	n	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.280	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.290	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.300	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.330	n	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.340	n	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.345	n	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.350	n	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.355	n	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.360	n	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.Ap. A	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
II. B am			
855.430	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.440	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.450	am	(P-6564/88; A-2768)	(P-6564/88; A-2768)
855.			

TITLE 77 (CONTD)	
1100.660	am (P-5596)
1110.30	am (P-5619)
1110.40	am (P-5619)
1110.50	n (P-5619)
1110.220	am (P-5619)
1110.720	am (P-5619)
1110.1320	am (P-5619)
1110.1330	am (P-5619)
1110.1730	am (P-5619)
1110.2220	am (P-5619)
1110.2230	am (P-5619)
1110.2330	am (P-5619)
1150.110	r (P-5580)
1150.210	r (P-5580)
1150.220	r (P-5580)
1150.230	r (P-5580)
1150.310	r (P-5580)
1150.320	r (P-5580)
1150.330	r (P-5580)
1150.410	r (P-5580)
1150.420	r (P-5580)
1150.430	r (P-5580)
1150.440	r (P-5580)
1150.450	r (P-5580)
2510.30	am (P-13694/88; A-334)
TITLE 80	
150.10	am (P-16438/88; A-5201)
150.310	am (P-16438/88; A-5201)
150.520	am (P-16438/88; A-5201)
150.530	am (P-16438/88; A-5201)
150.565	am (P-16438/88; A-5201)
150.665	am (P-16438/88; A-5201)
150.680	am (P-16438/88; A-5201)
250.70	am (P-1921)
302.190	am (P-1639)
302.200	am (P-1639)
302.625	am (P-1639)
302.800	r (P-15813/88; A-3722)
302.800	n (P-15813/88; A-3722)
302.810	r (P-15813/88; A-3722)
302.810	n (P-15813/88; A-3722)
302.820	r (P-15813/88; A-3722)
302.820	r (P-15813/88; A-3722)
302.822	n (P-15813/88; A-3722)
302.824	r (P-15813/88; A-3722)
302.825	r (P-15813/88; A-3722)
302.825	n (P-15813/88; A-3722)
302.830	r (P-15813/88; A-3722)
302.830	r (P-15813/88; A-3722)
302.840	r (P-15813/88; A-3722)
302.840	n (P-15813/88; A-3722)
302.841	r (P-15813/88; A-3722)
302.842	r (P-15813/88; A-3722)

TITLE 80 (CONT'D)		
302.846	r	(P-15813/88; A-3722)
302.848	r	(P-15813/88; A-3722)
302.850	r	(P-15813/88; A-3722)
302.850	n	(P-15813/88; A-3722)
302.860	r	(P-15813/88; A-3722)
302.860	n	(P-15813/88; A-3722)
302.863	r	(P-15813/88; A-3722)
302.863	n	(P-15813/88; A-3722)
310.30	am	(P-1296)
310.230	am	(P-1296)
310.280	am	(P-1296)
310.290	am	(P-1296)
310.320	am	(P-1296)
310.4p. A	am	(P-20584/88; RC-1254)
310.7b. F	am	(P-2892)
Th. P	am	(P-20584/88; RC-1254)
1100.10	am	(P-1327)
1100.20	am	(P-1327)
1100.30	am	(P-1327)
1100.40	am	(P-1327)
1100.50	am	(P-1327)
1100.70	am	(P-1327)
1100.80	am	(P-1327)
1100.90	n	(P-1327)
1100.100	n	(P-1327)
1105.10	am	(P-1335)
1105.20	am	(P-1335)
1105.30	am	(P-1335)
1105.40	am	(P-1335)
1105.50	am	(P-1335)
1105.60	am	(P-1335)
1105.70	am	(P-1335)
1105.80	am	(P-1335)
1105.90	am	(P-1335)
1105.100	am	(P-1335)
1105.110	am	(P-1335)
1105.120	am	(P-1335)
1105.130	r	(P-1335)
1105.140	am	(P-1335)
1105.150	am	(P-1335)
1105.160	am	(P-1335)
1105.170	am	(P-1335)
1105.220	am	(P-1335)
1110.40	am	(P-1355)
1110.50	am	(P-1355)
1110.60	am	(P-1355)
1110.70	r	(P-1355)
1110.70	n	(P-1355)
1110.80	am	(P-1355)
1110.90	am	(P-1355)
1110.100	am	(P-1355)
1110.110	am	(P-1355)
1110.140	am	(P-1355)
1110.150	am	(P-1355)
1110.160	am	(P-1355)
1110.170	am	(P-1355)
1110.180	n	(P-1355)
1120.20	am	(P-1379)
1120.30	am	(P-1379)

TITLE 80 (CONT'D)		TITLE 80 (CONT'D)		TITLE 83 (CONT'D)		TITLE 83 (CONT'D)	
1120.40	am	(P-1379)	2700.650	am	(P-253) (E-629)	285.2100	n
1120.50	am	(P-1379)	2700.700	am	(P-253) (E-629)	285.2105	n
1120.70	n	(P-1379)	2700.710	am	(P-253) (E-629)	285.2110	n
1125.10	am	(P-16375/88; A-1784)	2700.720	am	(P-253) (E-629)	285.2115	n
1125.20	am	(P-16375/88; A-1784)	2700.730	am	(P-253) (E-629)	285.2120	n
1125.30	am	(P-16375/88; A-1784)	2700.735	n	(P-253) (E-629)	285.2125	n
1125.50	r	(P-16375/88; A-1784)	2700.740	am	(P-253) (E-629)	285.3000	n
1125.70	am	(P-16375/88; A-1784)	2700.750	am	(P-253) (E-629)	285.3005	n
1125.80	am	(P-16375/88; O-22478/88; R-1905; A-1784)	2700.820	am	(P-253) (E-629)	285.3010	n
1125.90	r	(P-16375/88; A-1784)	2700.920	am	(P-253) (E-629)	285.3015	n
1125.100	n	(P-16375/88; A-1784)	2700.Ap. A	am	(P-253) (E-629)	285.3020	n
1570.40	am	(P-14122/88; O-22492/88; R-1626; A-1577)	Ex. E	am	(P-253) (E-629)	285.3025	n
1570.60	r	(P-14122/88; O-22492/88; R-1626; A-1577)	Ex. F	am	(P-253) (E-629)	285.3030	n
1570.70	am	(P-14122/88; O-22492/88; R-1626; A-1577)	215.10	am	(P-18026/88; A-4650)	285.3035	n
1570.80	am	(P-14122/88; O-22492/88; R-1626; A-1577)	215.30	am	(P-18026/88; A-4650)	285.3040	n
1570.90	am	(P-14122/88; O-22492/88; R-1626; A-1577)	281.30	am	(P-1647)	285.3045	n
1570.100	am	(P-14122/88; O-22492/88; R-1626; A-1577)	281.90	am	(P-1647)	285.3050	n
1570.110	r	(P-14122/88; O-22492/88; R-1626; A-1577)	281.100	am	(P-1647)	285.3055	n
1570.150	r	(P-14122/88; O-22492/88; R-1626; A-1577)	281.Ex. D	am	(P-1647)	285.3060	n
2110.30	am	(P-1) (E-214)	281.Ex. E	am	(P-1647)	285.3061	n
2110.320	am	(P-1) (E-214)	285.110	am	(P-5229)	285.3065	n
2110.330	am	(P-1) (E-214)	285.130	am	(P-5229)	285.3070	n
2110.510	am	(P-1) (E-214)	285.150	am	(P-5229)	285.3075	n
2150.1	n	(P-10285/88; A-2402)	285.170	am	(P-5229)	285.3080	n
2150.2	n	(P-10285/88; A-2402)	285.210	am	(P-5229)	285.3081	n
2150.5	n	(P-10285/88; A-2402)	285.310	am	(P-5229)	285.3090	n
2650.1	n	(P-6871/88; O-1256; R-3411; A-3330)	285.3115	n	(P-5229)	285.3095	n
2650.5	n	(P-6871/88; O-1256; R-3411; A-3330)	285.3120	n	(P-5229)	285.3100	n
2650.10	n	(P-6871/88; O-1256; R-3411; A-3330)	285.3125	n	(P-5229)	285.3110	n
2650.15	n	(P-6871/88; O-1256; R-3411; A-3330)	285.3130	n	(P-5229)	285.3115	n
2650.20	n	(P-6871/88; O-1256; R-3411; A-3330)	285.4000	n	(P-5229)	285.3120	n
2650.25	n	(P-6871/88; O-1256; R-3411; A-3330)	285.4001	n	(P-5229)	285.3125	n
2650.30	n	(P-6871/88; O-1256; R-3411; A-3330)	285.4005	n	(P-5229)	285.4000	n
2700.200	am	(P-253) (E-629)	285.4010	n	(P-5229)	285.4005	n
2700.440	am	(P-253) (E-629)	285.4015	n	(P-5229)	285.4010	n
2700.620	am	(P-253) (E-629)	285.4020	n	(P-5229)	285.4015	n
2700.630	am	(P-253) (E-629)	285.4025	n	(P-5229)	285.4020	n

ILLINOIS REGISTER
SECTIONS AFFECTED INDEX

VOL. 13, THRU ISSUE #16

THRU APRIL 21, 1989

TITLE 86 (CONT'D)

600.115	n	(P-1448)
600.120	n	(P-1448)
600.125	n	(P-1448)
600.130	n	(P-1448)
600.135	n	(P-1448)
610.101	n	(P-1460)
610.105	n	(P-1460)
610.110	n	(P-1460)
610.115	n	(P-1460)
610.120	n	(P-1460)
610.125	n	(P-1460)
610.130	n	(P-1460)
610.135	n	(P-1460)
620.101	n	(P-1468)
620.105	n	(P-1468)
620.110	n	(P-1468)
620.115	n	(P-1468)
620.120	n	(P-1468)
630.101	n	(P-1473)
630.105	n	(P-1473)
630.110	n	(P-1473)
630.115	n	(P-1473)
630.120	n	(P-1473)
630.125	n	(P-1473)
640.101	n	(P-1485)
640.105	n	(P-1485)
640.110	n	(P-1485)
640.115	n	(P-1485)
640.120	n	(P-1485)
640.125	n	(P-1485)
650.101	n	(P-1493)
650.105	n	(P-1493)
650.110	n	(P-1493)
650.115	n	(P-1493)
650.120	n	(P-1493)

TITLE 89

101.1	n	(P-2069/88; A-3897)
102.1	n	(P-2074/88; A-3940)
103.1	n	(P-2075/88; A-3954)
103.2	am	(P-1766/88; A-2496)
104.202	am	(P-2958)
104.208	am	(P-2958)
104.210	am	(P-2958)
104.212	am	(P-2958)
104.221	am	(P-2958)
104.230	am	(P-2958)
104.231	am	(P-2958)
104.235	n	(P-2958)
104.243	am	(P-2958)
104.244	am	(P-2958)
104.247	am	(P-2958)

SAI - 23

ILLINOIS REGISTER
SECTIONS AFFECTED INDEX

VOL. 13, THRU ISSUE #16

THRU APRIL 21, 1989

TITLE 89 (CONT'D)

140.16	am	(P-2937)
140.17	am	(P-2937)
140.19	am	(P-12970/88; A-3917)
140.21	n	(P-3295)
140.100	am	(P-1642/88; O-1259; M-3195; A-3069)
140.350	am	(P-5958/88; A-3351)
140.362	am	(P-5958/88; A-3351)
140.363	am	(P-5958/88; A-3351)
140.364	r	(P-5958/88; A-3351)
140.364	n	(P-5958/88; A-3351)
140.367	am	(P-5958/88; A-3351)
140.369	am	(P-5958/88; A-3351)
140.370	am	(P-5958/88; A-3351)
140.372	am	(P-5958/88; A-3351)
140.373	r	(P-5958/88; A-3351)
140.376	r	(P-5958/88; A-3351)
140.390	am	(P-1764/88; A-5115)
140.392	am	(P-1764/88; A-5115)
140.394	am	(P-1764/88; A-5115)
140.400	am	(P-1717/88; A-2475)
140.441	am	(P-1717/88; A-2475)
140.443	am	(P-1717/88; A-2475)
140.445	am	(P-1717/88; O-1263; R-2538; A-2475)
140.447	am	(P-1717/88; A-2475)
140.512	am	(P-11995/88; A-125)
140.525	am	(P-1717/88; A-5718)
140.526	am	(P-1420)
140.569	am	(P-5465)
140.896	n	(P-11701/88; A-5718)
141.200	am	(P-20370/88; A-3850)
141.400	am	(P-15483/88; A-516)
141.480	am	(P-15483/88; A-516)
141.560	am	(P-15483/88; A-516) (P-20370/88; A-3850)
141.720	am	(P-20370/88; A-3850)
141.800	am	(P-15483/88; A-516)
141.1160	am	(P-15483/88; A-516)
141.1240	am	(P-15483/88; A-516)
141.1280	am	(P-15483/88; A-516) (P-20370/88; A-3850)
141.1480	am	(P-15483/88; A-516)
141.1520	am	(P-15483/88; A-516)
141.1680	am	(P-15483/88; A-516) (P-20370/88; A-3850)
141.1760	am	(P-15483/88; A-516)
141.2280	am	(P-15483/88; A-516)
141.2360	am	(P-15483/88; A-516)
141.2400	am	(P-15483/88; A-516)
141.2600	am	(P-20370/88; A-3850)
141.2760	am	(P-15483/88; A-516) (P-20370/88; A-3850)
141.2920	am	(P-20370/88; A-3850)
141.2960	am	(P-15483/88; A-516) (P-20370/88; A-3850)

SAI - 24

TITLE 89 (CONT'D)

141.3280	am	(P-20370/88; A-3850)
141.3440	am	(P-15483/88; A-516)
141.3480	am	(P-15483/88; A-516)
141.3600	am	(P-20370/88; A-3850)
141.3760	am	(P-15483/88; A-516)
141.3800	am	(P-15483/88; A-516) (P-20370/88; A-3850)
141.3840	am	(P-15483/88; A-516)
141.3920	am	(P-20370/88; A-3850)
141.4000	am	(P-15483/88; A-516)
141.4040	am	(P-15483/88; A-516)
141.4160	am	(P-15483/88; A-516)
141.4200	am	(P-20370/88; A-3850)
141.4230	n	(P-20370/88; A-3850)
141.4440	am	(P-15483/88; A-516)
141.4520	am	(P-15483/88; A-516)
141.4720	am	(P-15483/88; A-516)
141.4760	am	(P-15483/88; A-516)
141.4800	am	(P-20370/88; A-3850)
147.25	am	(P-3562)
147.50	am	(P-3562)
147.75	am	(P-10627/88; A-559)
147.100	am	(P-10627/88; A-559)
147.205	am	(P-17201/88; O-5800)
147.205	am	(P-10627/88; O-20231/88; R-667; A-559)
147.205	am	(P-10627/88; O-20231/88 R-667; A-559)
147.205	am	(P-10627/88; O-20231/88 R-667; A-559)
149.100	am	(P-3553)
149.105	am	(P-13917/88; A-554)
160.1	n	(P-21039/88; A-4268)
160.5	n	(P-1396)
160.10	am	(P-1396)
160.70	am	(P-20677/88; A-4268)
160.100	n	(P-1396)
160.110	n	(P-1396)
160.120	n	(P-1396)
160.130	n	(P-1396)
160.140	n	(P-1396)
160.150	n	(P-1396)
160.160	n	(P-1396)
165.1	n	(P-20679/88; A-3843)
165.10	am	(P-5450)
165.20	am	(P-5450)
165.70	am	(P-5450)
170.100	am	(P-4490)
170.110	n	(P-4490)
170.120	n	(P-4490)
170.130	n	(P-4490)
170.200	n	(P-4490)
230.360	am	(P-14777/88; A-2015)
230.362	am	(P-14777/88; A-2015)
230.365	am	(P-14777/88; A-2015)
230.510	n	(P-12137/88; A-3054)
230.520	n	(P-12137/88; A-3054)
230.530	n	(P-12137/88; A-3054)

TITLE 89 (CONT'D)

230.540	n	(P-12137/88; A-3054)	510.20	r	(P-3020)
230.550	n	(P-12137/88; A-3054)	510.30	n	(P-3036)
230.560	n	(P-12137/88; A-3054)	510.30	r	(P-3020)
230.570	n	(P-12137/88; A-3054)	510.40	n	(P-3036)
230.580	n	(P-12137/88; A-3054)	510.40	r	(P-3020)
240.1400	n	(P-685)	510.50	n	(P-3036)
240.1410	am	(P-685)	510.50	r	(P-3020)
240.1420	am	(P-685)	510.60	n	(P-3036)
240.1430	n	(P-685)	510.60	r	(P-3020)
240.1440	n	(P-685)	510.70	n	(P-3036)
240.1450	n	(P-685)	510.80	n	(P-3036)
240.1700	n	(P-685)	510.90	n	(P-3036)
240.1705	n	(P-685)	510.100	n	(P-3036)
240.1710	n	(P-685)	510.110	n	(P-3036)
240.1715	n	(P-685)	510.120	r	(P-3020)
240.1718	n	(P-685)	510.130	r	(P-3020)
240.1720	n	(P-685)	510.140	r	(P-3020)
240.1722	n	(P-685)	510.210	r	(P-3020)
240.1725	n	(P-685)	510.220	r	(P-3020)
240.1730	n	(P-685)	510.230	r	(P-3020)
240.1735	n	(P-685)	510.240	r	(P-3020)
240.1737	n	(P-685)	510.250	r	(P-3020)
240.1738	n	(P-685)	510.260	r	(P-3020)
240.1739	n	(P-685)	510.270	r	(P-3020)
240.1960	n	(P-685)	510.280	r	(P-3020)
300.20	am	(P-11953/88; A-2419)	510.290	r	(P-3020)
300.30	am	(P-11953/88; A-2419)	510.300	r	(P-3020)
300.90	am	(P-11953/88; A-2419)	510.310	r	(P-3020)
300.100	am	(P-11953/88; A-2419)	510.320	r	(P-3020)
300.110	am	(P-11953/88; A-2419)	510.410	r	(P-3020)
			510.420	r	(P-3020)
300.130	am	(P-11953/88; A-2419)	520.20	am	(P-6911/88; A-5149)
300.140	am	(P-11953/88; A-2419)	520.30	am	(P-6911/88; A-5149)
300.160	am	(P-11953/88; A-2419)	520.100	am	(P-6911/88; A-5149)
310.12	am	(P-11953/88; O-3412; RC-3414)	530.5	n	(P-3565/88; A-141)
357.2	am	(P-13807/88; A-3344)	530.10	am	(P-3565/88; A-141)
357.3	am	(P-13807/88; A-3344)	530.20	r	(P-3565/88; A-141)
357.11	am	(P-13807/88; A-3344)	530.100	r	(P-3565/88; A-141)
431.5	am	(P-11922/88; O-2247/88; R-2532; A-2407)	530.105	r	(P-3565/88; A-141)
431.6	am	(P-11922/88; A-2407)	530.110	am	(P-3565/88; A-141)
431.7	am	(P-11922/88; A-2407)	530.120	r	(P-3565/88; A-141)
431.11	n	(P-11922/88; O-2247/88; R-2532; A-2407)	530.130	am	(P-3565/88; A-141)
			530.140	am	(P-3565/88; A-141)
			530.150	am	(P-3565/88; A-141)
431.12	#	(P-11922/88; A-2407)	530.200	n	(P-3565/88; A-141)
432.8	#	(P-5225)	530.230	n	(P-3565/88; A-141)
432.9	#	(P-5225)	530.240	n	(P-3565/88; A-141)
432.9	#	(P-5225)	530.260	n	(P-3565/88; A-141)
437.4	am	(P-13752/88; A-3339)	552.40	am	(P-277)
437.8	#	(P-13752/88; A-3339)	552.100	am	(P-52; W-4309)
437.8	n	(P-13752/88; A-3339)	562.30	am	(P-4685/88; A-2866)
437.9	#	(P-13752/88; A-3339)	567.10	am	(P-281)
437.9	am	(P-13752/88; A-3339)	587.50	am	(P-2192/88; A-1850)
510.10	n	(P-3036)	587.110	am	(P-2192/88; A-1850)
510.10	r	(P-3020)	587.130	am	(P-2192/88; A-1850)
510.20	n	(P-3036)	587.500	am	(P-2192/88; A-1850)

TITLE 89 (CONT'D)

592.45	n	(P-2092/88; A-1573)
597.10	am	(P-2197/88; A-1568)
597.150	n	(P-2197/88; A-1568)
607.60	am	(P-56) (E-225; O-3478)
685.600	am	(P-15023/88; A-5158)
700.200	am	(P-10409/88; A-3101)
700.300	am	(P-10409/88; A-3101)
714.10	am	(P-4152)
714.20	am	(P-4152)
714.30	am	(P-4152)
714.40	n	(P-4152)
765.10	am	(P-13948/88; A-5154)
829.10	n	(P-5990/88; A-5755)
829.20	n	(P-5990/88; A-5755)
829.30	n	(P-5990/88; A-5755)
829.40	n	(P-5990/88; A-5755)
829.50	n	(P-5990/88; A-5755)
829.60	n	(P-5990/88; A-5755)
829.70	n	(P-5990/88; A-5755)
829.80	n	(P-5990/88; A-5755)
829.90	n	(P-5990/88; A-5755)
843.10	am	(P-15015/88; A-4298)
843.50	am	(P-15015/88; A-4298)
843.60	am	(P-15015/88; A-4298)
843.150	am	(P-15015/88; A-4298)
843.160	am	(P-15015/88; A-4298)
845.40	n	(P-4641)
895.10	n	(P-3310)
895.20	n	(P-3310)
895.30	n	(P-3310)
895.40	n	(P-3310)
895.50	n	(P-3310)
895.60	n	(P-3310)
895.70	n	(P-3310)
1300.340	am	(P-19223/88; A-4644)

TITLE 92

10.30	am	(P-19365/88; A-3962)
10.40	am	(P-19365/88; A-3962)
10.50	am	(P-19365/88; A-3962)
10.60	am	(P-19365/88; A-3962)
10.70	am	(P-19365/88; A-3962)
10.80	am	(P-19365/88; A-3962)
96.10	n	(P-15049/88; A-3384)
96.20	n	(P-15049/88; A-3384)
96.30	n	(P-15049/88; A-3384)
96.40	n	(P-15049/88; A-3384)
96.50	n	(P-15049/88; A-3384)
96.60	n	(P-15049/88; A-3384)
96.70	n	(P-15049/88; A-3384)
96.80	n	(P-15049/88; A-3384)
96.90	n	(P-15049/88; A-3384)
96.100	n	(P-15049/88; A-3384)
96.110	n	(P-15049/88; A-3384)
96.120	n	(P-15049/88; A-3384)

TITLE 52 (CONT'D)

452.Tb.E	r	(P-1644/788; W-2881)
452.Ex.A	r	(P-1644/788; W-2881)
534.20	am	(P-2760)
534.210	am	(P-15952/88; A-1866)
545.100	n	(P-1111)
545.200	n	(P-1111)
545.300	n	(P-1111)
545.400	n	(P-1111)
708.80	am	(P-1503)
708.90	am	(P-1503)
708.180	am	(P-1503)
1000.10	am	(P-3316)
1000.20	am	(P-3316)
1000.41	n	(P-17269/88; A-5185)
1000.50	am	(P-3316)
1000.60	am	(P-3316)
1000.70	n	(P-3316)
1000.80	am	(P-3316)
1000.120	am	(P-3316)
1003.40	am	(P-20019/88; O-3454; RC-3458)
1010.20	n	(P-19642/88; A-5173)
1010.240	am	(P-1103)
1010.430	n	(P-5655)
1010.440	n	(P-16432/88; A-1598)
1010.452	n	(P-19642/88; A-5173)
1010.455	n	(P-19642/88; A-5173)
1010.456	n	(P-19642/88; A-5173)
1019.5	n	(P-19652/88; A-4944)
1019.10	n	(P-19652/88; A-4944)
1019.20	n	(P-19652/88; A-4944)
1019.30	n	(P-19652/88; A-4944)
1019.35	n	(P-19652/88; A-4944)
1019.40	n	(P-19652/88; A-4944)
1019.45	n	(P-19652/88; A-4944)
1020.60	n	(P-5665)
1030.11	n	(P-3611)
1030.85	am	(P-2395)
1030.86	n	(P-17275/88; A-5192)
1030.88	am	(P-2753)
1030.94	am	(P-3324)
1030.Ap.A	n	(P-3324) (P-3611)
1040.30	am	(P-17259/88; A-5162)
1040.40	am	(P-17259/88; A-5162)
1040.66	n	(P-15947/88; A-1593)
1205.10	am	(P-1665)
1206.20	am	(P-1671)
1225.45	am	(P-1676)
1235.10	n	(P-17045/88; A-4658)
1235.15	n	(P-17045/88; A-4658)
1235.20	n	(P-17045/88; A-4658)
1235.25	n	(P-17045/88; A-4658)
1235.30	n	(P-17045/88; A-4658)
1235.35	n	(P-17045/88; A-4658)
1235.40	n	(P-17045/88; A-4658)
1235.45	n	(P-17045/88; A-4658)
1235.50	n	(P-17045/88; A-4658)

This part of the Sections Affected Index lists only those Sections on which rulemaking is occurring in this issue of the Illinois Register. For previous action on these Sections in this volume of the Register, please refer to the first part of this index which begins on page SAI-1.

TITLE 24

1520.10	am	(A-5926)
1520.46	n	(A-5926)
1520.50	am	(A-5926)

TITLE 32

332.10	n	(P-5874)
332.20	n	(P-5874)
332.30	n	(P-5874)
332.40	n	(P-5874)
332.50	n	(P-5874)
332.60	n	(P-5874)
332.70	n	(P-5874)
332.80	n	(P-5874)
332.90	n	(P-5874)
332.100	n	(P-5874)
332.110	n	(P-5874)
332.120	n	(P-5874)
332.130	n	(P-5874)
332.140	n	(P-5874)
332.150	n	(P-5874)
332.160	n	(P-5874)
332.170	n	(P-5874)
332.180	n	(P-5874)
332.190	n	(P-5874)
332.200	n	(P-5874)
332.210	n	(P-5874)
332.220	n	(P-5874)
332.230	n	(P-5874)
332.240	n	(P-5874)
332.250	n	(P-5874)
332.260	n	(P-5874)
332.270	n	(P-5874)
332.280	n	(P-5874)
332.290	n	(P-5874)

TITLE 35

301.200	am	(A-5984)
301.260	am	(A-5984)
301.365	am	(A-5984)
301.430	am	(A-5984)
302.211	am	(A-5998)
302.304	am	(A-5998)
302.504	am	(A-5998)
302.507	am	(A-5998)
302.509	am	(A-5998)
304.104	am	(A-5976)
304.124	am	(A-5976)
304.140	r	(A-5976)
305.102	am	(A-5989)
309.281	am	(A-5993)
858.204	re	(A-5945)
858.205	re	(A-5945)
858.207	re	(A-5945)

TITLE 35 (CONT'D)

858.208	re	(A-5945)
858.304	re	(A-5945)
858.305	re	(A-5945)
858.306	re	(A-5945)
858.308	re	(A-5945)
858.309	re	(A-5945)
858.310	re	(A-5945)

TITLE 47

350.202	am	(A-5947)
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TITLE 50

6701.10	n	(A-5951)
6701.20	n	(A-5951)
6701.30	n	(A-5951)
6701.Ex.A	n	(A-5951)

TITLE 56

350.20	am	(P-15272/88; W-6819) (P-5839)
350.280	am	(P-15272/88; W-6819) (P-5839)
350.300	n	(P-15272/88; W-6819) (P-5839)
350.310	n	(P-15272/88; W-6819) (P-5839)
350.320	n	(P-15272/88; W-6819) (P-5839)
350.330	n	(P-15272/88; W-6819) (P-5839)
350.340	n	(P-15272/88; W-6819) (P-5839)
350.350	n	(P-15272/88; W-6819) (P-5839)
350.360	n	(P-15272/88; W-6819) (P-5839)
350.370	n	(P-15272/88; W-6819) (P-5839)
350.380	n	(P-15272/88; W-6819) (P-5839)
350.400	n	(P-15272/88; W-6819) (P-5839)
350.410	n	(P-15272/88; W-6819) (P-5839)
350.420	n	(P-15272/88; W-6819) (P-5839)
350.430	n	(P-15272/88; W-6819) (P-5839)
350.440	n	(P-15272/88; W-6819) (P-5839)
350.450	n	(P-15272/88; W-6819) (P-5839)
2920.68	n	(A-5936)
2960.105	am	(A-5940)

TITLE 62

220.10	am	(A-5955)
220.80	am	(A-5955)

TITLE 68

1175.425	am	(E-6810)
1175.600	am	(E-6810)

TITLE 77

330.110	am	(A-6562)
330.120	am	(A-6562)
330.130	am	(A-6562)
330.140	am	(A-6562)
330.150	am	(A-6562)
330.160	am	(A-6562)

TITLE 77 (CONT'D)

330.165 am (A-6562)
330.170 am (A-6562)
330.175 am (A-6562)
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330.710 am (A-6562)
330.720 am (A-6562)
330.730 am (A-6562)
330.740 am (A-6562)
330.750 am (A-6562)
330.760 am (A-6562)
330.765 n (A-6562)
330.770 am (A-6562)
330.780 am (A-6562)
330.910 am (A-6562)
330.920 am (A-6562)
330.930 am (A-6562)
330.1110 am (A-6562)
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330.1130 am (A-6562)
330.1135 n (A-6562)
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330.1710 am (A-6562)
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330.1730 am (A-6562)

TITLE 77 (CONT'D)

330.1740 am (A-6562)
330.1750 am (A-6562)
330.1760 am (A-6562)
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330.1910 am (A-6562)
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330.3110 am (A-6562)
330.3120 am (A-6562)
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TITLE 77 (CONT'D)

330.3370 am (A-6562)
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330.3400 am (A-6562)
330.3410 am (A-6562)
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330.3610 am (A-6562)
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330.3990 am (A-6562)
330.4000 am (A-6562)
330.4210 am (A-6562)
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330.4310 am (A-6562)
330.4320 am (A-6562)
330.4330 am (A-6562)
330.4510 am (A-6562)
350.110 am (A-6040)
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350.130 am (A-6040)
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TITLE 77 (CONT'D)

350.210 am (A-6040)
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350.1220 am (A-6040)
350.1225 n (A-6040)
350.1230 am (A-6040)
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350.1430 am (A-6040)
350.1440 am (A-6040)
350.1450 am (A-6040)
350.1610 am (A-6040)

TITLE 77 (CONT'D)

350.1620	am (A-6040)	350.3210	am (A-6040)	390.190	am (A-6301)	390.1420	am (A-6301)
350.1630	am (A-6040)	350.3220	am (A-6040)	390.200	am (A-6301)	390.1430	am (A-6301)
350.1640	am (A-6040)	350.3230	am (A-6040)	390.210	am (A-6301)	390.1440	am (A-6301)
350.1650	am (A-6040)	350.3240	am (A-6040)	390.220	am (A-6301)	390.1450	am (A-6301)
350.1660	am (A-6040)	350.3250	am (A-6040)	390.230	am (A-6301)	390.1610	am (A-6301)
350.1670	am (A-6040)	350.3260	am (A-6040)	390.240	am (A-6301)	390.1620	am (A-6301)
350.1680	am (A-6040)	350.3270	am (A-6040)	390.250	am (A-6301)	390.1630	am (A-6301)
350.1690	am (A-6040)	350.3280	am (A-6040)	390.260	am (A-6301)	390.1640	am (A-6301)
350.1810	am (A-6040)	350.3290	am (A-6040)	390.270	am (A-6301)	390.1650	am (A-6301)
350.1820	am (A-6040)	350.3300	am (A-6040)	390.272	am (A-6301)	390.1660	am (A-6301)
350.1830	am (A-6040)	350.3310	am (A-6040)	390.274	am (A-6301)	390.1670	am (A-6301)
350.1840	am (A-6040)	350.3320	am (A-6040)	390.276	am (A-6301)	390.1680	am (A-6301)
350.1850	am (A-6040)	350.3330	am (A-6040)	390.277	n (A-6301)	390.1690	am (A-6301)
350.1860	am (A-6040)	350.3710	am (A-6040)	390.278	am (A-6301)	390.1810	am (A-6301)
350.1870	am (A-6040)	350.3720	am (A-6040)	390.280	am (A-6301)	390.1820	am (A-6301)
350.1880	am (A-6040)	350.3730	am (A-6040)	390.282	am (A-6301)	390.1830	am (A-6301)
350.1890	am (A-6040)	350.3740	am (A-6040)	390.284	am (A-6301)	390.1840	am (A-6301)
350.1900	am (A-6040)	350.3750	am (A-6040)	390.286	am (A-6301)	390.1850	am (A-6301)
350.1910	am (A-6040)	350.3760	am (A-6040)	390.288	am (A-6301)	390.1860	am (A-6301)
350.2010	am (A-6040)	350.3770	am (A-6040)	390.290	am (A-6301)	390.1870	am (A-6301)
350.2020	am (A-6040)	350.3780	am (A-6040)	390.300	am (A-6301)	390.1880	am (A-6301)
350.2030	am (A-6040)	350.3790	am (A-6040)	390.310	am (A-6301)	390.1890	am (A-6301)
350.2210	am (A-6040)	350.3800	am (A-6040)	390.320	am (A-6301)	390.1900	am (A-6301)
350.2220	am (A-6040)	350.3810	am (A-6040)	390.330	am (A-6301)	390.1910	am (A-6301)
350.2410	am (A-6040)	350.3820	am (A-6040)	390.340	am (A-6301)	390.1920	am (A-6301)
350.2420	am (A-6040)	350.3830	am (A-6040)	390.350	am (A-6301)	390.2010	am (A-6301)
350.2430	am (A-6040)	350.3840	am (A-6040)	390.610	am (A-6301)	390.2020	am (A-6301)
350.2450	am (A-6040)	350.3850	am (A-6040)	390.620	am (A-6301)	390.2030	am (A-6301)
350.2460	am (A-6040)	350.3860	am (A-6040)	390.630	am (A-6301)	390.2210	am (A-6301)
350.2610	am (A-6040)	350.3870	am (A-6040)	390.640	am (A-6301)	390.2220	am (A-6301)
350.2620	am (A-6040)	350.3880	am (A-6040)	390.650	am (A-6301)	390.2230	am (A-6301)
350.2630	am (A-6040)	350.3890	am (A-6040)	390.660	am (A-6301)	390.2410	am (A-6301)
350.2640	am (A-6040)	350.3900	am (A-6040)	390.670	am (A-6301)	390.2420	am (A-6301)
350.2650	am (A-6040)	350.3910	am (A-6040)	390.675	n (A-6301)	390.2430	am (A-6301)
350.2660	am (A-6040)	350.3920	am (A-6040)	390.690	am (A-6301)	390.2440	am (A-6301)
350.2670	am (A-6040)	350.3930	am (A-6040)	390.700	am (A-6301)	390.2610	am (A-6301)
350.2680	am (A-6040)	350.3940	am (A-6040)	390.810	am (A-6301)	390.2620	am (A-6301)
350.2690	am (A-6040)	350.3950	am (A-6040)	390.820	am (A-6301)	390.2630	am (A-6301)
350.2700	am (A-6040)	350.3960	am (A-6040)	390.830	am (A-6301)	390.2640	am (A-6301)
350.2710	am (A-6040)	350.3970	am (A-6040)	390.1010	am (A-6301)	390.2650	am (A-6301)
350.2720	am (A-6040)	350.3980	am (A-6040)	390.1020	am (A-6301)	390.2660	am (A-6301)
350.2730	am (A-6040)	350.3990	am (A-6040)	390.1030	am (A-6301)	390.2670	am (A-6301)
350.2740	am (A-6040)	350.4000	am (A-6040)	390.1035	n (A-6301)	390.2680	am (A-6301)
350.2910	am (A-6040)	350.4010	am (A-6040)	390.1040	am (A-6301)	390.2690	am (A-6301)
350.2920	am (A-6040)	350.4020	am (A-6040)	390.1050	am (A-6301)	390.2700	am (A-6301)
350.2930	am (A-6040)	350.4030	am (A-6040)	390.1060	am (A-6301)	390.2710	am (A-6301)
350.2940	am (A-6040)	350.4210	am (A-6040)	390.1070	am (A-6301)	390.2720	am (A-6301)
350.2950	am (A-6040)	390.110	am (A-6301)	390.1080	am (A-6301)	390.2730	am (A-6301)
350.2960	am (A-6040)	390.120	am (A-6301)	390.1090	am (A-6301)	390.2740	am (A-6301)
350.2970	am (A-6040)	390.130	am (A-6301)	390.1100	am (A-6301)	390.2910	am (A-6301)
350.2980	am (A-6040)	390.140	am (A-6301)	390.1110	am (A-6301)	390.2920	am (A-6301)
350.2990	am (A-6040)	390.150	am (A-6301)	390.1120	am (A-6301)	390.2930	am (A-6301)
350.3000	am (A-6040)	390.160	am (A-6301)	390.1130	am (A-6301)	390.2940	am (A-6301)
350.3010	am (A-6040)	390.170	am (A-6301)	390.1320	am (A-6301)	390.2950	am (A-6301)
350.3020	am (A-6040)	390.175	am (A-6301)	390.1410	am (A-6301)	390.2960	am (A-6301)
350.3030	am (A-6040)	390.180	am (A-6301)	390.1430	am (A-6301)	390.2970	am (A-6301)
350.3040	am (A-6040)			390.1440	am (A-6301)		

TITLE 77 (CONT'D)

390.1420	am (A-6301)	390.1430	am (A-6301)	390.1440	am (A-6301)	390.1450	am (A-6301)
390.1610	am (A-6301)	390.1620	am (A-6301)	390.1630	am (A-6301)	390.1640	am (A-6301)
390.1650	am (A-6301)	390.1660	am (A-6301)	390.1670	am (A-6301)	390.1680	am (A-6301)
390.1690	am (A-6301)	390.1810	am (A-6301)	390.1820	am (A-6301)	390.1830	am (A-6301)
390.1840	am (A-6301)	390.1850	am (A-6301)	390.1860	am (A-6301)	390.1870	am (A-6301)
390.1880	am (A-6301)	390.1890	am (A-6301)	390.1900	am (A-6301)	390.1910	am (A-6301)
390.1920	am (A-6301)	390.2010	am (A-6301)	390.2020	am (A-6301)	390.2030	am (A-6301)
390.2210	am (A-6301)	390.2220	am (A-6301)	390.2230	am (A-6301)	390.2410	am (A-6301)
390.2420	am (A-6301)	390.2430	am (A-6301)	390.2440	am (A-6301)	390.2610	am (A-6301)
390.2620	am (A-6301)	390.2630	am (A-6301)	390.2640	am (A-6301)	390.2650	am (A-6301)
390.2660	am (A-6301)	390.2670	am (A-6301)	390.2680	am (A-6301)	390.2690	am (A-6301)
390.2700	am (A-6301)	390.2710	am (A-6301)	390.2720	am (A-6301)	390.2730	am (A-6301)
390.2740	am (A-6301)	390.2910	am (A-6301)	390.2920	am (A-6301)	390.2930	am (A-6301)
390.2940	am (A-6301)	390.2950	am (A-6301)	390.2960	am (A-6301)	390.2970	am (A-6301)
390.2980	am (A-6301)	390.2990	am (A-6301)	390.3000	am (A-6301)	390.3010	am (A-6301)
390.3020	am (A-6301)	390.3030	am (A-6301)	390.3040	am (A-6301)		

TITLE 77 (CONT'D)

390.2980 am (A-6301)
 390.2990 am (A-6301)
 390.3000 am (A-6301)
 390.3010 am (A-6301)
 390.3020 am (A-6301)
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 390.3210 am (A-6301)
 390.3220 am (A-6301)
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 390.3240 am (A-6301)
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 390.3310 am (A-6301)
 390.3320 am (A-6301)
 390.3330 am (A-6301)
 390.3510 am (A-6301)
 390.Ap.A am (A-6301)

TITLE 86

110.145 am (A-6803)
 200.101 r (A-6808)
 200.101 n (A-6789)
 200.105 r (A-6808)
 200.105 n (A-6789)
 200.110 r (A-6808)
 200.110 n (A-6789)
 200.115 r (A-6808)
 200.115 n (A-6789)
 200.120 r (A-6808)
 200.120 n (A-6789)
 200.125 r (A-6808)
 200.125 n (A-6789)
 200.130 r (A-6808)
 200.130 n (A-6789)
 200.135 r (A-6808)
 200.135 n (A-6789)
 200.140 r (A-6808)
 200.140 n (A-6789)
 200.145 r (A-6789)
 200.150 n (A-6789)
 200.155 n (A-6789)
 200.160 n (A-6789)
 200.165 n (A-6789)
 200.170 n (A-6789)
 200.175 n (A-6789)
 210.135 n (A-6782)
 425.10 r (A-6780)
 425.20 r (A-6780)
 445.10 r (A-6785)
 445.20 r (A-6785)
 445.30 r (A-6785)

TITLE 86 (CONT'D)

455.10 r (A-6787)
 455.20 r (A-6787)
 455.30 r (A-6787)
 TITLE 89
 112.5 n (A-6017)
 112.78 am (A-6017)
 113.5 n (A-6007)
 113.253 am (A-6007)
 113.260 am (A-6007)
 385.20 am (A-5917)
 385.30 am (A-5917)
 385.40 am (A-5917)
 557.10 am (P-5914)
 675.300 am (A-6768)

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